

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ

Office of

Principal Chief Conservator of

Forests

(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡ ರಸ್ತೆ

ಮಲ್ಲೇಶ್ವರಂ ಬೆಂಗಳೂರು-560003

Aranya Bhavan, 18th Cross,
Malleshwaram, Bengaluru- 03

Telephone: 080 2334 6472

Email: apccffc@gmail.com

E-office File No. KFD/HOFF/A52K(GFL)/25/2020-FC

E-367992

Date 28-02-2022

21-03

To,

The Additional Chief Secretary to Government

Forest, Ecology and Environment Department

M.S. Building, Dr. Ambedkar Veedhi, Bengaluru – 560 001

Sir,

Sub: Diversion of 0.985 of forest land in Kalakeri Village, Dharwad Taluk and District (Dharwad Forest Division) for improvement of road from Kalakeri to Hunasikumari Villages in favour of Executive Engineer, Public Works Department, Dharwad
Proposal No. FP/KA/ROAD/144763/2021

- Ref:**
1. Online proposal [FORM-A PART-I] dated 08-09-2021 (resubmitted) of the Executive Engineer, Public Works Department, Dharwad
 2. This office online communication dated 22-10-2021 to Deputy Conservator of Forests, Dharwad for further processing of the proposal
 3. Online submission of PART-II on 14-12-2021 by Deputy Conservator of Forests, Dharwad [letter No. C3/Kalakeri-Humshikumri/Road/CR-10/2020-21/2237 dated 02-02-2022]
 4. Online submission of PART-III on 10-02-2022 by the Chief Conservator of Forests, Dharwad [letter No. A1/GFL/FC/Hunshikumari/Road/CR-3/2021-22/2035 dated 09-02-2022]

1. The Executive Engineer, Public Works Department, Dharwad [USER AGENCY] has (re)submitted an online proposal [FORM-A PART-I] vide ref (1) on 08-09-2021 seeking approval under the Forest (Conservation) Act, 1980 for diversion of 0.985 ha of forest land in Kalakeri village, Dharwad Taluk and District (Dharwad Forest Division) for improvement of road from Kalakeri to Hunasikumari villages. The same was accepted by Nodal Officer (FCA) on 21-09-2021 for further processing. After receiving the acknowledgement online on 12-10-2021 from User Agency for having delivered the hard copies of the proposal to the jurisdictional

Deputy Conservator of Forests and Deputy Commissioner, the online link was forwarded by this office vide ref (2) to the Deputy Conservator of Forests, Dharwad for field verification and further processing under Section 2 of the Forest (Conservation) Act, 1980.

2. **Location details and Component wise break up:** Location details of the forest land proposed for diversion are given below.

District, Taluk, Hobli	Village	Sy No.	Forest extent proposed for diversion (ha)	Legal Status of Land
Dharwad District, Dharwad Taluk, Dharwad Hobli	Kalkeri	214	0.0885	Reserved Forest
		122	0.1752	
		139	0.0093	
		122	0.2476	
		390	0.1202	
		391	0.0925	
		408	0.0476	
		387	0.0179	
		382	0.0686	
		114	0.1176	
Total			0.985	

Component-wise breakup of the forest land required for the project is given below.

Component		Forest Land (ha)
1	Carriage Way	0.7014
2	Shoulder	0.2834
Total		0.9848

The User Agency has uploaded the layout plan of the project in additional information details of the PART-I of the proposal.

3. **DCF, Dharwad Report:** The Deputy Conservator of Forests Dharwad has inspected the spot on 10-12-2021 and has submitted the site inspection report, the details of the area along with the recommendation in PART-II of the proposal vide ref (3) to Chief Conservator of Forests, Dharwad. Main features of the proposal based on the DCF, Dharwad Report r/w the report of the CCF, Dharwad and that of the ICT Centre of Forest Department are as follows.

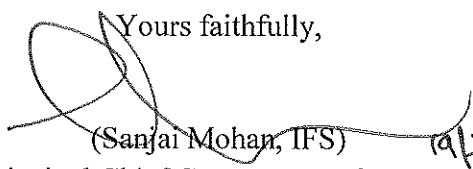
- The forest land proposed for diversion is in general landscape of eco-class-iv (topical dry deciduous forest) with 0.75 canopy density.
- As per Item 4 (ii) of PART-II, there are no trees to be felled on the forest land proposed for diversion.
- Major wild animals present in and around the project area include the peafowl, hare, reptiles, leopard, bear, spotted deer, etc. [Note: The entry made in Item 8(i) and (v) may be read accordingly.]

- d. There are no rare / endangered / unique species of flora and fauna reported around the forest area proposed for diversion.
 - e. The forest land proposed for diversion does not form part of any national park/ wildlife sanctuary/ biosphere reserve/ tiger reserve/ elephant corridor/ wildlife migration corridor, etc.
 - f. There are no national park/ wildlife sanctuary/ biosphere reserve/ tiger reserve/ elephant corridor/ wildlife migration corridor within one kilometer from the boundary of the forest land proposed for diversion.
 - g. The forest land proposed for diversion is not located within eco-sensitive zone (ESZ) of any protected area notified under Wildlife (Protection) Act, 1972.
 - h. There are no protected/ archeological/ heritage sites/ defence establishments located in the proposed area.
 - i. The forest area proposed for diversion is the bare minimum and unavoidable.
 - j. There is no violation reported under Forest (Conservation) Act, 1980.
4. **CCF, Dharwad Report:** The Chief Conservator of Forests, Dharwad agreeing with the recommendation made by the Deputy Conservator of Forests, Dharwad, the Chief Conservator of Forests, Dharwad has also recommended the proposal.
 5. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land proposed for diversion as per Para 3.1 to 3.4 of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. **The User Agency has submitted an undertaking dated 15-07-2021 to pay the Net Present Value (NPV) of the forest land proposed for diversion.**
 6. **Compensatory Afforestation (CA):** The forest area proposed for diversion is less than one hectare and is governed by Para 3.2 (viii)(b) of the Government of India FC Guidelines (*old version, as the new version is silent in this regard*), which provides exemption from raising compensatory afforestation (CA). However, the Para 2.6(i) of the latest FC Guidelines mandates planting of ten times the number of trees likely to be felled (subject to a minimum of 100 plants). Even though there are no trees on forest land reported in Item 4(ii) of PART-II of the proposal, **the User Agency will have to make payment in accordance with the O.M. issued vide E-office File No. KFD/HOFF/A53(GFL)/34/2019-FC [E-88289] dated 19-04-2021 of the Principal Chief Conservator of Forests (Head of Forest Force) for any tree felling required for the purpose of execution of the project. The User Agency has submitted an undertaking dated 15-07-2021 to pay the compensatory plantation charges.**
 7. **Status of RoFR compliance:** With regard to compliance of the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 and Rules 2008, the User Agency has not obtained/ furnished the requisite certificate in **FORM-I (for linear projects)** issued by the jurisdictional

Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. **The User Agency is being informed again to obtain and submit the said certificate in prescribed format.**

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to consider according 'in-principle' (Stage-I) approval under Forest (Conservation) Act, 1980 for diversion of 0.985 ha of forest land in Kalakeri village, Dharwad Taluk and District (Dharwad Forest Division) for improvement of road from Kalakeri to Hunasikumari villages in favour of Executive Engineer, Public Works Department, Dharwad for a period of Thirty (30) years and subject to the production of RoFR certificate in FORM-I as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019 and also subject to conditions appended in Annexure 'A'.

The hard copy of the proposal along with the relevant documents in 3 sets is submitted herewith for further needful.

Yours faithfully,

(Sanjay Mohan, IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Chief Conservator of Forests, Dharwad Circle Sirsi for information.
2. Deputy Conservator of Forests, Dharwad Division, Dharwad for information.
3. Assistant Executive Engineer, Port Department, Dharwad for information and with a request to obtain and produce the RoFR Certificate in FORM-I (for Linear projects) issued by Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019

ANNEXURE 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be the forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), land lease rent and any other levies as per the conditions of approval.
3. The User Agency shall demarcate the lease area in the manner specified at the time of approval at its own cost.
4. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
5. The leased-out area should be used for the purpose for which it is granted. In case, the land is not used for the stipulated purpose within two years or when it is no longer needed for the stipulated purpose, the area would stand resumed to the Forest Department.
6. The application for renewal of the lease in the prescribed form and manner shall be submitted at least six months prior to the expiry of forest lease. In case, no renewal is sought, the Lessee shall hand over the lease.
7. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
8. No crushing / breaking of stones or labour camp shall be allowed inside forest area and all waste / debris generated shall be scientifically disposed off outside the forest area.
9. Any damage to forest area because of implementation of the project shall be compensated by the Lessee. The extent of damage shall be assessed by the jurisdictional Deputy Conservator of Forests/ Conservator of Forests/ Chief Conservator of Forests.
10. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
11. No change in Land Use Plan shall be done unless prior approval of Government of India under FC Act is obtained.
12. In case, any violation of the provisions of the Karnataka Forest Act, 1963 & Rules, 1969 or other relevant Acts/Rules is reported during the lease period, the lease will be liable for forfeiture under Section 82 of Karnataka Forest Act, 1963. The Chief Conservator of Forests and/or Deputy Conservator of Forests concerned are authorized to take necessary action in this regard.
13. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
14. The User Agency shall also abide by other conditions those may be imposed by the Government of India, Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force) before or after the approval.


(Sanjai Mohan, IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

PART – IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

<p>Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.</p> <p><i>(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).</i></p>	<p>Recommended for diversion of 0.985 ha of forest land in Kalakeri Village, Dharwad Taluk and District (Dharwad Forest Division) for improvement of road from Kalakeri to Hunasikumari Villages in favour of Executive Engineer, Public Works Department, Dharwad for a period of Thirty (30) years and subject to the production of RoFR certificate in FORM-I as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019 and also subject to conditions appended in Annexure 'A'.</p> <p>Proposal No.: FP/KA/ROAD/144763/2021</p>
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Signature:



Name:

(Rajiv Ranjan, IFS)

Designation:

**Principal Chief Conservator of Forests
(Forest Conservation) and Nodal Officer (FCA)**

Signature:



Name:

(Sanjai Mohan, IFS)

Designation:

**Principal Chief Conservator of Forests
(Head of Forest Force)**

N.D.O. No. 57/2021-22

(Official Seal)

Dated 21/03/2022

