

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

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



ಅರಣ್ಯಭವನ, 18 ನೇ ಅಡ್ಡರಸ್ತೆ
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003

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Old File No. A5(2).GFL.CR-14/2017-18

E-office File No. KFD/HOFF/A5-2(GFL)/18/2018-FC

Encl.: 3... *Pages* *set*

E-64281

Date 25-01-2021

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To,

The Additional Chief Secretary to Government
Forest, Environment and Ecology Department
M.S. Building, Bengaluru - 560 001

Sir,

Sub: Diversion of 41.2081 hectare of forest land in Babiganahalli and 21 other villages in various Taluks and Districts (*Gubbi and Tiputur Taluks of Tumkur District, Arasikere Taluk of Hassan District, Kadur and Tarikere Taluks of Chikkamagalur District and Bhadravathi Taluk of Shivamogga District*) for widening of existing 2-lane to 4-lane of National Highway (NH-206) from Tumkur to Shivamogga Section under NHDP (12+310 KM to 217+000 KM) in favour of the Project Director, National Highway Authority of India (NHAI), Project Management Unit, Chitradurga

Proposal No. FP/KA/ROAD/30938/2017 [Stage-I approved]

- Ref:**
1. Government of India, Ministry of Environment, Forests & Climate Change, Integrated Regional Office, Bengaluru, letter F.No. 4-KRA1178/2019-BAN/1626 dated 20-02-2019 [Stage-I approval]
 2. This office letter of even number dated 26-02-2019 [communication of Stage-I approval to User Agency and the Field officers]
 3. The Project Director, National Highway Authority of India (NHAI), Project Management Unit, Tumkur letter No. NHAI/PIU/TMK/12017/01/2019-20 dated 05-12-2019 and 06-02-2020 [Compliance Report in respect of conditions of Stage-I approval submitted to Deputy Conservator(s) of Forests, Tumakuru, Bhadravathi, Chikkamagaluru and Hassan Divisions]
 4. Deputy Conservator of Forests, Hassan Division letter No. B4/DMN/FC/NH-206/2018-19 dated 13-07-2020 [Compliance Report in respect of conditions of Stage-I approval]
 5. Deputy Conservator of Forests, Tumakuru Division letter No. A5/LAND/NH-206/CR-96/2018-19 dated 17-08-2020 [Compliance Report in respect of conditions of Stage-I approval]
 6. Deputy Conservator of Forests, Chikkamagaluru Division letter No. B4/Land/NH-206/CR-43/2019-20 dated 01-09-2020 [Compliance Report in respect of conditions of Stage-I approval]
 7. Deputy Conservator of Forests, Bhadravathi Division letter No. B2/Land/NH/GL-5227/2019-20 dated 04/07-12-2020 [Compliance Report in respect of conditions of Stage-I approval]
 8. Chief Conservator of Forests, Hassan Circle, letter No. A8/Land/NH-

- 206/2018-19 dated 15-09-2020 [Compliance Report in respect of conditions of Stage-I approval for Tumakuru Division]]
9. Chief Conservator of Forests, Hassan Circle, letter No. A8/Land/NH-206/CR-79/2018-19 dated 22-07-2020 [Compliance Report in respect of conditions of Stage-I approval for Hassan Division]
 10. Conservator of Forests, Chikkamagaluru Circle, letter No. A10/LND/Road Dev/NH-206/CR-06/2018-19 dated 04-09-2020 [Compliance Report in respect of conditions of Stage-I approval for Chikkamagaluru Division]
 11. Conservator of Forests, Shivamogga Circle letter No. A4/ Bhoomi/NH-206/CR-06/18-19 dated 19-12-2020 [Compliance Report in respect of conditions of Stage-I approval for Bhadravathi Division]
 12. The Project Director, National Highway Authority of India (NHAI), Project Management Unit, Tumkur letter No. NHAI/PIU/TMK/12017/04/2020-21 dated 21-01-2021 [submission of consolidated Undertaking and FRA Certificate issued in respect of forest diversion in Hassan District]

With reference to the above subject, the Government of India vide Ref (1) has accorded 'in-principle' (Stage-I) approval under Section 2 of Forest (Conservation) Act, 1980 subject to certain conditions stipulated therein. The same was communicated by this office vide Ref (2) to the User Agency and the Field officers seeking Compliance Report in respect of conditions of Stage-I approval.

In response, the User Agency vide Ref (3) and Ref (12) has submitted the condition-wise Compliance Reports and connected documents to the jurisdictional Deputy Conservators of Forests, who after verification have vide Ref (4) to (7) submitted the same to jurisdictional Chief / Conservator of Forests, and who, in turn vide Ref (8) to (11) have submitted it to this office. Based on the reports obtained from the Field officers, the present status of compliance in respect of conditions of Stage-I approval is as follows.

Condition of Stage-I approval dated 20-02-2019		Status of compliance
1	The legal status of the forest land shall remain unchanged.	The legal status of forest land remains unchanged and it will be monitored by the Forest Department in future. Moreover, the User Agency has agreed and submitted an Undertaking vide letter No. NHAI/ PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
	The demarcation of the common boundary of the forest area being diverted shall be carried out by erecting cement concrete pillars duly numbered at an interval of 20 meters at the cost of user agency before Stage -II approval.	User Agency has demarcated the diverted forest land by erecting cement concrete pillars duly numbered all along the periphery. Photographs and GPS readings of the Pillars erected at the common boundary are enclosed as ANNEXURE – 1, 1A & 1B
3	The cost of raising compensatory Afforestation over double the degraded forest land over an extent of 83.00 Ha in Sy No. of Kurihalli and Sy.No. 20 of	User Agency has deposited the following amount towards CA Charges, Watering Charges and Chain-link Mesh Charges to CAMPA account through FC web portal on 31-05-2019 and 30-07-2019.

	Mucchaveerana halli village, Hagalvadi Hobli, Gubbi Taluk of Manchaladore State Forest, Tumkuru District shall be realized from the user agency. Area identified for Compensatory Afforestation needs to be demarcated using chain link fencing for better survival. A detailed model for Compensatory Afforestation inclusive of chain link fencing, irrigation and SMC works, etc., needs to be prepared before Stage -II approval by the State Forest Department and the same may be implemented at the cost of User Agency on Stage -II approval.	<table><tr><th>Particulars</th><th>Amount (Rs.)</th></tr><tr><td>CA charges @ Rs.2,89,880/-per ha for 83.0 ha</td><td>24,060,040</td></tr><tr><td>Watering charges@ Rs.4,36,444/- per ha for 83.0 ha</td><td>36,224,852</td></tr><tr><td>Chain-link mesh charges @ Rs.3.75 lakh per km for 3.62 km</td><td>13,575,000</td></tr><tr><td>Total</td><td>73,859,892*</td></tr></table> <p>* Included in total amount of Rs.10,27,59,574/- paid on the day</p> <p>Copy of the Payment Page print taken from the FC web portal [ANNEXURE-2] and a detailed Compensatory Afforestation Plan [ANNEXURE-2A] are enclosed.</p> <p>However, the CA rates have been revised with effect from 01-05-2020 and thus the User Agency will have to deposit the difference amount towards CA and the other two charges to CAMPA account. The User Agency is being informed in this regard.</p>	Particulars	Amount (Rs.)	CA charges @ Rs.2,89,880/-per ha for 83.0 ha	24,060,040	Watering charges@ Rs.4,36,444/- per ha for 83.0 ha	36,224,852	Chain-link mesh charges @ Rs.3.75 lakh per km for 3.62 km	13,575,000	Total	73,859,892*														
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4	The State Government shall charge the Net present value of the diverted forest land measuring 41.2081 ha from User Agency as per the orders of the Hon'ble Supreme Court dated 28.03.2008 and 09.05.2008 in IA Nos.826 in 566 with related IA's in writ Petition (Civil) No.202/1995.	<p>User Agency has paid an amount of Rs. 2,88,99,682/- towards NPV charges (depending on the Eco-class value of the forest land in respective Division) to CAMPA Account through FC web portal on 31-05-2019 as follows.</p> <table><tr><th>Division</th><th>Extent (ha)</th><th>Rate per (ha)</th><th>Amount (Rs)</th></tr><tr><td>Tumakuru</td><td>17.7188</td><td>6,26,000</td><td>1,10,91,969/-</td></tr><tr><td>Hassan</td><td>1.3762</td><td>6,26,000</td><td>8,61,501/-</td></tr><tr><td>Chikkamagaluru</td><td>4.5797</td><td>6,26,000</td><td>28,66,892/-</td></tr><tr><td>Bhadravathi</td><td>17.5334</td><td>8,03,000</td><td>1,40,79,320/-</td></tr><tr><td>Total</td><td>41.2081</td><td></td><td>2,88,99,682/-</td></tr></table> <p>* Included in total amount of Rs.10,27,59,574/- paid on the day</p> <p>Copy of the Payment Page print taken from the FC web portal [ANNEXURE-2] is already enclosed.</p>	Division	Extent (ha)	Rate per (ha)	Amount (Rs)	Tumakuru	17.7188	6,26,000	1,10,91,969/-	Hassan	1.3762	6,26,000	8,61,501/-	Chikkamagaluru	4.5797	6,26,000	28,66,892/-	Bhadravathi	17.5334	8,03,000	1,40,79,320/-	Total	41.2081		2,88,99,682/-
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Total	41.2081		2,88,99,682/-																							
5	Additional amount of the Net Present Value (NPV) 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 the State Government from User Agency shall furnish an undertaking to this effect.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]																								
6	User Agency should ensure that Compensatory Levies are	The User Agency has deposited the compensatory levies in the State																								

	deposited in the State Compensatory Afforestation Fund notified under Compensatory Afforestation Fund Act, 2016 and explained in the office Memorandum issued by the Ministry of Environment, Forest & Climate Change vide No.11-100/2015-FC(Vol.III) dated 28/09/2018	Compensatory Afforestation Fund through FC web portal as mentioned against the Condition No. 3 and 4 above. Copy of the Payment Page print taken from the FC web portal is already enclosed as ANNEXURE-2.																		
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 Ministry of Environment and Forests vide letter No.11-9/1998-FC (Pt) dated 05-07-2013 shall be furnished before Stage-II clearance.	<p>The User Agency has obtained the FRA Certificates in FORM-I (for Linear Projects) issued by the jurisdictional Deputy Commissioners for the forest lands proposed for diversion in respective districts as follows.</p> <table border="1"> <thead> <tr> <th>District</th><th>FRA Certificate No. and date</th><th>Forest extent for which issued (ha)</th></tr> </thead> <tbody> <tr> <td>1 Tumakuru</td><td>No. dtwoturn/fra/tum-shi/NH-206/cr-02-2019-20 dated 26-07-2019</td><td>17.7188 ha</td></tr> <tr> <td>2 Shivamogga</td><td>No. SMGDC-LND (1)MISC-562/19(E-12680) dated 25-11-2019</td><td>4.9493 ha</td></tr> <tr> <td>3 Chikkamagaluru</td><td>No. M2/LAQ(M)CR/56/2018-19 dated 02-06-2019</td><td>17.1638 ha</td></tr> <tr> <td>4 Hassan</td><td>No. DDSWO/FRA/CR-16/2018-19 dated 29-01-2020 (for 0.6762 ha) AND No. DDSWO/FRA/CR-16/2018-19 dated 08-12-2020 (for 0.70 ha)</td><td>1.372 ha (=0.6762 ha + 0.70 ha)</td></tr> <tr> <td colspan="2">Total</td><td>41.2081 ha</td></tr> </tbody> </table> <p>The above mentioned FRA Certificates are enclosed herewith. [ANNEXURE-5, 5A, 5B, 5C & 5D]</p>	District	FRA Certificate No. and date	Forest extent for which issued (ha)	1 Tumakuru	No. dtwoturn/fra/tum-shi/NH-206/cr-02-2019-20 dated 26-07-2019	17.7188 ha	2 Shivamogga	No. SMGDC-LND (1)MISC-562/19(E-12680) dated 25-11-2019	4.9493 ha	3 Chikkamagaluru	No. M2/LAQ(M)CR/56/2018-19 dated 02-06-2019	17.1638 ha	4 Hassan	No. DDSWO/FRA/CR-16/2018-19 dated 29-01-2020 (for 0.6762 ha) AND No. DDSWO/FRA/CR-16/2018-19 dated 08-12-2020 (for 0.70 ha)	1.372 ha (=0.6762 ha + 0.70 ha)	Total		41.2081 ha
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Total		41.2081 ha																		
8	A Mitigation Plan as approved by the CWLW for wildlife conservation in Chavdlapura, Bidrahalli Kaval and Kanchiganahalli areas of Tumkur Division needs to be submitted before Stage -II approval and have to be implemented by the concerned Departments / agencies at the cost of user agency.	<p>The User Agency has submitted Wild life Mitigation Plan approved by Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden, Karnataka vide letter No. KFD/WN/Land/(LND)/23/2019 dated 26-07-2019. Accordingly, an amount of Rs.1.59 crore has been deposited by the User Agency to CAMPA Account through FC web portal on 30-07-2019.</p> <p>Copy of the Wildlife Mitigation Plan [ANNEXURE-6] and also the Payment Page print taken from the FC web portal [ANNEXURE-6A] are enclosed.</p>																		
9	Tree felling shall be done only when it is unavoidable and under the strict supervision of the State Forest Department.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]																		
10	Soil and Moisture Conservation	The User Agency has agreed and submitted																		

	Works shall be taken up in 100 mts. on either side of the road passing through Forest areas in consultation with State Department and also existing water bodies in the vicinity needs to be rejuvenated at the cost of User Agency. The User Agency shall furnish an undertaking to this effect.	an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
11	Height of the electric poles may be maintained at 9 mtrs in the forest area.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
12	Avenue planting shall be taken up by User Agency along the road on either side wherever required at the project cost. The plantation shall also be maintained at the project cost. The User Agency shall furnish an undertaking to this effect.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
13	NHAI authorities shall undertake annual fire protection works in consultation with the Forest Department in the Reserve Forest areas.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
14	Any improvement work undertaken by the User Agency shall not block the access to Forest Estate by Forest Department all along the entire length of the NH passing through the forest area.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
15	Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck /debris will be allowed to roll down the hill slopes.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
16	No labour camp shall be established on the forest land.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
17	The User Agency shall provide fuel preferably alternate fuel, to the labourers and the staff working at project area, so as to avoid any damage and pressure	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]

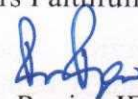
	on the nearby forest areas.	
18	The forest land should not be used for any purpose other than that specified in the proposal.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
19	The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
20	No damage of the flora and fauna of the adjoining areas shall be caused.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
21	The User Agency in consultation with the State Government shall create and maintain alternate habitat/ home for the avifauna, whose nesting artificially made out of eco- friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
22	The User Agency shall submit the annual self-compliance report in respect of the above conditions to the State Government and to this Regional Office of the Ministry, regularly.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
23	The User Agency and the State Government shall ensure compliance to the provisions of the all Acts, Rules, Regulations and Guidelines for the time being in force, as applicable to the project.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
24	In order to avoid Human-Animal conflict, no parking and resting facility will be provided along the highway inside the forest area.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
25	The User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (protection) Act, 1986, if required.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
26	The total forest area utilized for the project shall not exceed 41.2081 ha.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-

		2021 in this regard. [ANNEXURE-1]
27	Any other condition that the Additional Principal Chief Conservator of Forests (Central), Regional Office Bangalore may impose from time for protection, improvement of flora and fauna forest area and public convenience, shall also be applicable.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]
28	Violation of any of the conditions shall invite penal actions, as deemed fit by the Additional Principal Chief Conservator of Forests (Central), Regional Office, Bangalore.	The User Agency has agreed and submitted an Undertaking vide letter No. NHAI/PIU/TMK/12017/01/2020-21 dated 20-01-2021 in this regard. [ANNEXURE-1]

In view of the above mentioned compliance to conditions of Stage-I approval as reported by the field officers, **it is requested to move the matter with the Government of India, Ministry of Environment, Forests & Climate Change, Integrated Regional Office, Bengaluru to accord final approval (Stage-II) under the Forest (Conservation) Act, 1980 for diversion of 41.2081 hectare of forest land in Babiganahalli and 21 other villages in various Taluks and Districts (Gubbi and Tiputur Taluks of Tumkur District, Arasikere Taluk of Hassan District, Kadur and Tarikere Taluks of Chikkamagalur District and Bhadravathi Taluk of Shivamogga District) for widening of existing 2-lane to 4-lane of National Highway (NH-206) from Tumkur to Shivamogga Section under NHDP (12+310 KM to 217+000 KM) in favour of the Project Director, National Highway Authority of India (NHAI), Project Management Unit, Chitradurga for a period of twenty (20) years, subject to recovery of differential Compensatory Afforestation charges before handing over of forest land after Stage-II approval.**

The relevant documents in 3 sets are being submitted herewith. The present status (Timeline) of the proposal obtained from the web-portal is also appended for further necessary action.

Yours Faithfully



(Rajiv Ranjan IFS)

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

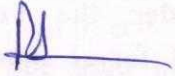
Copy to the:

1. Chief Conservator(s) of Forests, Hassan/ Chikkamagaluru/ Shivamogga Circle(s) for information.
2. Deputy Conservator(s) of Forests, Tumakuru/ Hassan/ Chikkamagaluru/ Bhadravathi Division(s) for information **and further action to recover the differential CA charges by issuing a Supplementary Demand Notice to User**

Agency informing to upload on FC web portal for acceptance by this office before generating Challan and making payment. .

3. The Project Director, National Highway Authority of India, Project Implementation Unit, JMIT Campus, NH-4, Km-201, Tharalabalu Nagara, Chitradurga -577 502 for information and **with a request to obtain a Supplementary Demand Notice from Deputy Conservator of Forests concerned towards differential CA charges and upload on FC web portal for acceptance by this office before generating Challan and making payment.**
4. Project Director, National Highway Authority of India, Project Implementation Unit, Sri Rakshe, 80 ft Road, Mahalakshimi Nagar, near Krishna College, Batawadi, Tumakuru 572 103 for information and **with a request to obtain a Supplementary Demand Notice from Deputy Conservator of Forests concerned differential CA charges and upload on FC web portal for acceptance by this office before generating Challan and making payment.**

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3-15pm