

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,
ಮಲ್ಲೇಶ್ವರಂ ಬೆಂಗಳೂರು-560 003.

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E- 63912

Date 15-09-2021

Enclosure :- 1 Set

To,

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

Sir,

Sub: Diversion of 32.28 hectare of forest land in Devasamudra and 9 other villages in Chitradurga Division & District for strengthening and widening of 159.9 km long stretch of existing National Highway (NH-150A) from Ballari (KM 253.6000) to Hiriyur (KM 413.500) in favour of the Deputy General Manager, National Highway Authority of India, Project Implementing Unit, Hosapete.

Proposal No. FP/KA/ROAD/28960/2017 [Stage-I approved]

- Ref:**
1. Government of India, Ministry of Environment, Forests & Climate Change, Regional Office (Southern Zone) Bengaluru letter F.No. 4-KRC1171/2018-BAN/1638 dated 21-02-2019 *[Stage-I approval]*
 2. Government of Karnataka letter No. FEE 68 FLL 2018 dated 12-03-2019 *[communication of Stage-I approval]*
 3. This office letter of even number dated 26-02-2019 *[communication of Stage-I approval to User Agency & field officers]*
 4. Deputy General Manager, National Highway Authority of India, Project Implementing Unit, Hosapete, letter No. NHAI/PIU-HPT/14018/2020-21/1140 dated 02-02-2021 *[Compliance Report]*
 5. Deputy Conservator of Forests, Chitradurga Division, Chitradurga letter No. A6/FC/NH-150/CR-08/2018-19 dated 29-05-2021 *[Compliance Report]*
 6. Chief Conservator of Forests, Ballari Circle, Ballari letter No.M1/MNG/NHAI/CR-03/2018-19/881 dated 26-08-2021 *[Compliance Report]*

The Government of India vide Ref (1) have accorded 'in-principle' (Stage-I) approval for diversion of 32.28 hectare of forest land in Devasamudra and 9 other villages in Chitradurga District for strengthening and widening of 159.9 km long stretch of

existing National Highway (NH-150A) from Ballari (KM 253.600) to Hiriyur (KM 413.500) in favour of the Deputy General Manager, National Highway Authority of India, Project Implementing Unit, Hosapete subject to fulfillment of certain conditions stipulated therein.

Based on Stage-I approval from the Central Government, the Government of Karnataka vide Ref (2) has also sought the compliance report on the conditions of Stage-I approval.

Accordingly, this office vide Ref (3) informed the User Agency and field officers to submit the Compliance Report in respect of the conditions of Stage-I approval.

In response, the User Agency vide Ref (4) has submitted the Compliance Report to the Deputy Conservator of Forests, Chitradurga Division, who after field verification has vide Ref (5) submitted the condition wise compliance to the Chief Conservator of Forests, Ballari Circle, and the same has been submitted to this office vide Ref (6).

Based on the reports received as above, the status of compliance to the conditions of Stage-I approval is as under.

Condition of Stage-I approval dated 21-02-2019		Status of Compliance
1	The legal status of Forest land shall remain unchanged.	The legal status of the forest land remains unchanged and same will be monitored in future. The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
2	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.	The User Agency has demarcated the proposed forest area by erecting Stone pillars duly numbered at an interval of 20 meters. Photographs with GPS co-ordinates of the same are enclosed. [ANNEXURE-2]
3	The cost of raising Compensatory Afforestation over double the degraded forest land over an extent of 66.06 ha. in Sy.No. 1 of Kamarada Kaval Reserved Forest and village, Kasaba Hobli, Malkalmuru Taluk, Chitradurga District shall be realized from the User Agency. Area identified for Compensatory Afforestation needs to be demarcated using Chain link fencing for better	The User Agency has paid an amount of Rs.1,91,49,473/- towards CA charges for 66.06 ha @ Rs.2,89,880 per ha, Rs.2,88,31,491/- towards Watering charges for 66.06 ha @ Rs.4,36,444 per ha and Rs.1,80,00,000/- towards Chain-link fencing charges for 4.8 km @ Rs.37,50,000 per ha to Ad-hoc CAMPA through e-payment portal vide Challan dated 12-03-2019 [Included in total amount of Rs.9,19,01,804/-]. Copy of Payment Page Print out taken from FC Web portal is enclosed. [ANNEXURE-3] However, the CA rates have been revised

	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	w.e.f. 19-04-2021 and also Watering charges and Chain-link fencing charges have also been revised. Hence, the Deputy Conservator of Forests, Chitradurga Division has been informed to issue additional demand note to the User Agency for payment of differential CA charges, differential Watering charges and differential Chain-link fencing charges.
4	The State Government shall charge the Net Present Value of the diverted forest land measuring 32.28 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 LA's in Writ Petition (Civil) No.202/1995.	The User Agency has paid an amount of Rs. 8,03,000/- for 32.28 ha @ Rs.2,59,20,840/- per ha towards NPV charges to Ad-hoc CAMPA through e-payment portal vide Challan dated 12-03-2019 <i>[Included in total amount of Rs.9,19,01,804/-]</i> . Copy of Payment Page Print out taken from FC Web portal is enclosed ANNEXURE-3.
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. User Agency shall furnish an undertaking to this effect.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
6	User Agency should ensure that Compensatory levies are deposited in the State Compensatory Afforestation Fund notified under Compensatory Afforestation Fund Act, 2016 and explained in the Office Memorandum issued by Ministry of Environment, Forest & Climate Change vide No.11-100/2015-FC(Vol.III) dated 28/09/2018.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
7	Necessary certificates/documents	The User Agency has obtained FRA certificate's in FORM-I (for Linear projects) from the Deputy

	under the Scheduled Tribes, and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 as per the guidelines issued by Ministry of Environment & Forests vide letter No.11-9/1998- FC (Pt) dated 05.07.2013 shall be furnished before Stage-II clearance.	Commissioner, Chitradurga vide letter No. FRA-1/CR-2018-19 dated 30-08-2018, letter No. FRA-1/CR-2018-19 dated 30-08-2018, letter No. FRA-1/CR-2018-19 dated 22-11-2018 and letter No. FRA-1/CR-2018-19 dated 22-11-2018. Attested copy of the same is enclosed. [ANNEXURE-4]
8	To ensure safe passage of wildlife across roads, atleast for the stretch of highway passing through the forest area, box culverts of appropriate size and number should be provided in consultation with State Forest Department.	The User Agency has provided details of the Box culverts, Pipe culverts and other structures for the safe passage of the Wild Animals vide letter dated 18-02-2021 and the same is enclosed. [ANNEXURE-5]
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 to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
10	Soil and Moisture Conservation Works shall be taken up in 100 mts on either side of the road passing through forest areas in consultation with State Forest Department. The user agency shall furnish an undertaking to this effect.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
11	Avenue planting shall be taken up by User Agency along the road on either sides 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 to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
12	NHAI authorities shall undertake annual fire protection works in consultation with the Forest Department in the Reserve Forest	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]

	areas.	
13	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 to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
14	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 to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
15	No labour camp shall be established on the forest land	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
16	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 on the nearby forest areas	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
17	The forest land should not be used for any purpose other than that specified in the proposal	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
18	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 to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
19	No damage of the flora and fauna of the adjoining areas shall be caused	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
20	The User Agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]

	<p>nests 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</p>	
21	<p>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</p>	<p>The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]</p>
22	<p>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</p>	<p>The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]</p>
23	<p>In order to avoid Human-Animal conflict, no parking and resting facility will be provided along the highway, inside the forest area</p>	<p>The User Agency vide their letter dated 02-02-2021 (Ref-4) has agreed with the condition.</p>
24	<p>The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required</p>	<p>The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]</p>
25	<p>The total forest area utilized for the project shall not exceed 32.28 ha</p>	<p>The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]</p>
26	<p>Any other condition that the Additional Principal Chief Conservator of Forests (Central), Regional Office, Bangalore may impose from time to time for protection, improvement of flora and fauna in the forest area and public convenience, shall also be applicable</p>	<p>The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]</p>

In view of the compliance to conditions of Stage-I mentioned above, as per the report of the field officers, it is requested to move the matter with the Government of India, Ministry of Environment, Forests & Climate Change seeking the final (Stage-

II) approval for diversion of 32.28 hectare of forest land in Devasamudra and 9 other villages in Chitradurga Division & District for strengthening and widening of 159.9 km long stretch of existing National Highway (NH-150A) from Ballari (KM 253.6000) to Hiriyur (KM 413.500) in favour of the Deputy General Manager, National Highway Authority of India, Project Implementing Unit, Hosapete under the Forest (Conservation) Act, 1980.

The relevant documents in 3 sets are submitted here with for kind perusal and further action.

The present status of the proposal obtained from the FC web portal is also appended herewith for reference.


Yours Faithfully


(Rajiv Ranjan, I.F.S.)

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

o/c Copy to the:

1. Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. Deputy Conservator of Forests, Chitradurga Division, Chitradurga for information and with a direction to issue the demand notice for payment of differential CA charges, differential Watering charges and differential Chain-link fencing charges to the User Agency as mentioned above and report the compliance.
3. Deputy General Manager, National Highway Authority of India, Project Implementing Unit, Hosapete 583201 for information. and with a request to make payment for differential CA charges, differential Watering charges and differential Chain-link fencing charges by obtaining demand note from the Deputy Conservator of Forests, Chitradurga Division and furnish proof of the payment to this office for necessary action


16-9-2021

