

o/c

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

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



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

AranyaBhavan, 18th Cross
Malleshwaram, Bengaluru-560 003
Telephone : 080 2334 6472
Email : apccffc@gmail.com

Old File No: A5 (4). GFL.CR.15/2018-19

E-office File No. KFD/HoFF/A5-4(GFL)/14/2018-FC

Enclosure - 3
To,

E-63163

Date 18-01-2020

೦೪-೦೨-೨೦೨೦

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

Sir,

Sub: Diversion of 4.6038 hectares of forest land in Wadnahalli Village Sy No. 10 (0.9664 ha) and Yargala Village Sy No. 163 (3.6374 ha), Hatthakuni Hobli, Yadgir Taluk & District for widening to two/four lane with paved shoulders from Chittapur Cross to Yadgir Bypass (CH. 34.000 to CH. 70.900) of National Highway NH-150 (Gulbarga-Wadi-Yadgir Section) in favour of Executive Engineer (National Highway Division), Public Works, Ports & Inland Water Transport Department, Kalaburgi.

Proposal No. FP/KA/ROAD/36272/2018

- Ref:**
1. Online Proposal [FORM-A PART-I] dated 28-03-2019 (resubmitted) of the Executive Engineer (National Highway Division), Public Works, Ports & Inland Water Transport Department, Kalaburgi r/w uploading of Acknowledgement on 25-04-2019 for having delivered the hard copies of the proposal to jurisdictional Deputy Conservators of Forests & Deputy Commissioner
 2. This office online communication dated 02-05-2019 to Deputy Conservators of Forests, Yadgir Division for further processing of proposal
 3. Online submission of PART-II by Deputy Conservator of Forests, Yadgir Division on 20-12-2019 r/w online reply dated 26-11-2019 by User Agency to the EDS Query [Letter No. B3/LAND/NHAI/CR-28/2018-19/945 dated 19-12-2019]
 4. Online submission of PART-III by Chief Conservator of Forests, Kalaburagi Circle on 27-12-2019 [Letter No.A4/CCF/F.L./Release/W/CR-56/2019-20 dated 21-12-2019]

1. The Executive Engineer (National Highway Division), Public Works, Ports & Inland Water Transport Department, Kalaburgi [USER AGENCY] vide Ref (1) has submitted an online proposal [FORM-A PART-I] through FC Web Portal seeking approval under Section 2(ii) of the Forest (Conservation) Act, 1980 for diversion of 4.6038 hectares of forest land in Wadnahalli Village Sy No. 10 (0.9664 ha) and Yargala Village Sy No. 163 (3.6374 ha), Hatthakuni Hobli, Yadgir Taluk & District for widening to two/four lane with paved shoulders from Chittapur Cross to Yadgir Bypass (CH. 34.000 to CH. 70.900) of National Highway NH-150 (Gulbarga-Wadi-Yadgir Section). After acceptance of the proposal by Nodal Officer (FCA) on 24-04-2019 for further processing, the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Yadgir Division and Deputy Commissioner, Yadgir District and has uploaded the Acknowledgment on the web portal on 25-04-2019. Accordingly, an online communication was made by Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Yadgir Division for further processing of the proposal under Forest Conservation Act.
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
Yadgir District, Yadgir Taluk, Kamatana Hobli	Yaragola	163	3.6374	Reserved Forest
	Wadnahalli	10	0.9664	
Total			4.6038	

Component wise breakup of the forest land proposed for diversion is given below.

Name of Project component (Road widening)		Forest extent proposed for diversion (ha)
1	Carriageway	0.4705
2	Earthen Shoulder	0.0659
3	Toe	0.14
4	Right of Way (ROW)	3.4303
5	Drain-cum-Footpath	0.0987
6	Administrative block (Toll Plaza)	0.2493
7	Lawn Area / Island (Toll Plaza)	0.1491
Total		4.6038

3. **DCF, Yadgir Division Report:** The Deputy Conservator of Forests, Yadgir Division, Yadgir has inspected the site on 27-05-2019 and vide Ref (3) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Kalaburgi Circle. Main features of the proposal based up on the Deputy Conservator of Forests, Yadgir report r/w report of Chief Conservator of Forest, Kalaburgi Circle and that of ICT Centre of Forest Department are summarized below.

- a. The forest land proposed for diversion is undulating with gentle slope and is susceptible to soil erosion during rainy season.
 - b. The forest land proposed for diversion is in general landscape of Eco-Class III (Tropical Dry Deciduous Forests) with a canopy density up to 0.4 (Open Forest).
 - c. As per Item 4(ii) of PART-II, there are 106 trees in different Girth Classes in the forest land proposed for diversion. Main species include *Eucalyptus* spp, *Azadirachta indica*, *Cassia siamea*, *Cassia fistula*, *Melia azedarach*, *Pongamia pinnata*, *Tamarindus indica*, *Butea monosperma*, etc.
 - d. Major wild animals present in and around the project area include the Hare, and reptiles including Monitor lizard.
 - e. There are no other rare / endangered / unique species of flora and fauna reported in the forest land proposed for diversion.
 - f. 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.
 - 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/ Archaeological/ Heritage sites or Defence establishments or important monuments in the area.
 - i. There is no violation reported under Forest (Conservation) Act, 1980.
 - j. The requirement of forest land for the project is bare minimum and unavoidable.
4. **CCF, Kalaburgi Circle Report:** The Chief Conservator of Forests, Kalaburgi Circle has inspected the site on 19-12-2019 [*Note: The SIR date mentioned in Item 15 may be read accordingly*] and agreeing with the recommendation made by the Deputy Conservator of Forests, Yadgir Division, the Chief Conservator of Forests, Kalaburgi Circle has also recommended the proposal. Specific comments of the Chief Conservator of Forests, Kalaburagi Circle are mentioned in Item 15 & 16 of PART-II/III of the proposal cited at Ref (4) above.
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 letter F.No. 5-2/2017-FC dated 28-03-2019. **The User Agency has agreed to pay the NPV charges and has submitted an Undertaking dated 14-02-2019.**

6. **Compensatory Afforestation (CA):** The User Agency being a Stage Government Agency is required to provide an equivalent extent of suitable non-forest land for Compensatory Afforestation purpose in accordance with FC guidelines. As per as per Para 2.4(i) of the FC guidelines, all such category of forest lands which are not under management and / or the administrative control of state Forest Department on which the provisions of FCA are applicable may also be considered for Compensatory Afforestation purpose. Further such lands need to be double in extent to the forest area proposed for diversion and have to be mutated and transferred in the name of State Forest Department. Accordingly, **the User Agency has identified an extent of 9.21 hectare (23-35 Acre-Gunta) of government land in Goudagera Village Sy No. 172, Balichakra Hobli, Yadgir Taluk & District for raising Compensatory Afforestation. The said land is a Deemed Forest land and is categorised as a 'Parampoku' land in Revenue Records and is under administrative control of Revenue Department.** The Deputy Commissioner, Yadgir District, vide Order No. Kam./Bhoo.Man/27/2019-20 dated 22/11/2019 has transferred the same to the name of Deputy Conservator of Forests, Yadgir. The said land has been mutated vide Mutation register MR No. H82/2019-20 dated 25-11-2019. The User Agency has uploaded the CA land information (Topo Map, Geo-referenced Map along with GPS readings of all corners and KML file in PART-I of the proposal. Further, the Deputy Conservator of Forests, Yadgir has inspected the proposed CA land on 18-10-2019 and has issued the CA Land Suitability Certificate dated 18-12-2019 and has also submitted the CA Scheme in Item 13 of PART-II of the proposal. The hard copies of CA related information (Topo Map, Geo-referenced Map, RTC, Mutation Register, CA Land Suitability Certificate and CA Scheme are enclosed herewith. Further, **the User Agency has also submitted an Undertaking dated 14-02-2019 agreeing to pay the Compensatory Afforestation charges.**
2. **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 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. Accordingly, the User Agency is being informed again to obtain the said certificate in prescribed format and submit a copy.**

In light of the facts stated above and agreeing with the recommendation made by the field officers, it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 4.6038 hectares of forest land in Wadnahalli Village Sy No. 10 (0.9664 ha) and Yargala Village Sy No. 163 (3.6374 ha), Hatthakuni Hobli, Yadgir Taluk & District for

widening to two/four lane with paved shoulders from Chittapur Cross to Yadgir Bypass (CH. 34.000 to CH. 70.900) of National Highway NH-150 (Gulbarga-Wadi-Yadgir Section) in favour of Executive Engineer (National Highway Division), Public Works, Ports & Inland Water Transport Department, Kalaburgi for a period of 30 years subject to submission of RoFR Compliance Certificate in FORM-I (for Linear Projects) and further subject to the 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. The present status of the proposal obtained from the web-portal is also appended for information.

Yours Faithfully


(Punati Sridhar IFS)

Principal Chief Conservator of Forests

(Head of Forest Force)

o/c
Copy to the:

1. Chief Conservator of Forests, Kalaburagi Circle, Kalaburagi for information.
2. Deputy Conservator of Forests, Yadgir Division, Yadgir for information.
3. Executive Engineer (National Highway Division), Public Works, Ports & Inland Water Transport Department, Vidyanagar, Kalaburgi – 585 103 for information and with a request to obtain and submit the RoFR Compliance Certificate (in FORM-I) as mentioned above at the earliest.


ದರವಿರಿಸಲಾಗಿದೆ
ಅಂಕ 4-2-2022

ANNEXURE 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), Compensatory, Plantation cost of extraction of trees, 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 User Agency shall provide signages of appropriate dimensions and kind in consultation with the jurisdictional Deputy Conservator of Forests at project cost for creating awareness among general public regarding forest, wildlife and environment issues.
5. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
6. 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.
7. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
8. 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.
9. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
10. No crushing / breaking of stones or labour camp shall be allowed on forest land and all waste / debris generated shall be scientifically disposed off outside the forest area.
11. Any damage to forest area because of implementation of the proposal 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.
12. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
13. 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 / Deputy Conservator of Forests concerned are authorized to take necessary action in this regard.
14. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
15. 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.



(Punati Sridhar 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 4.6038 hectares of forest land in Wadnahalli Village Sy No. 10 (0.9664 ha) and Yargala Village Sy No. 163 (3.6374 ha), Hatthakuni Hobli, Yadgir Taluk & District for widening to two/four lane with paved shoulders from Chittapur Cross to Yadgir Bypass (CH. 34.000 to CH. 70.900) of National Highway NH-150 (Gulbarga-Wadi-Yadgir Section) in favour of Executive Engineer (National Highway Division), Public Works, Ports & Inland Water Transport Department, Kalaburgi for a period of 30 years subject to submission of RoFR Compliance Certificate in FORM-I (for Linear Projects) and further subject to the conditions appended in Annexure 'A'.</p> <p>Proposal No. FP/KA/ROAD/36272/2018</p>
---	--

Signature:

Name:

(RAJIV RANJAN IFS)

Designation:

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

(Official Seal)

Countersigned by :

Name:

(PUNATI SRIVIDHAR IFS)

Designation:

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

(Official Seal)

N.D.O. No: 33/2019-20

Date: 04-01-2020
02



