

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ
Office of the
Principal Chief Conservator of Forests
(Head of Forest Force)



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E-office File No. KFD/HOFF/A52K(GFL)/96/2020-FC
Encl: 3 sets of the proposal hard copies

E-86120
Date 25-08-2023

04-09

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 0.06 hectare of forest land in F.Sy.No. 188/4 of Mundigesara village, Kasaba Hobli, Sirsi taluk, Uttara Kannada District for approach road (cart track) to connect from existing road to Patta land in Sy No. 338 in favour of Sri Shivamurthy Murugha Sharanaru, Rudraveramatha, Simpiggalli, Sirsi

Proposal No. FP/KA/Approach/44945/2020

Ref: 1. Online proposal [FORM-A PART-I] dated 20-03-2020 of Sri Shivamurthy Murugha Sharanaru, Rudraveramatha, Simpiggalli, Sirsi and uploading of acknowledgment on 23-07-2020 for having delivered the hard copies of the proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner
2. This office online communication dated 28-07-2020 to Deputy Conservator of Forests, Sirsi Division for further processing of the proposal
3. Online submission of PART-II on 07-10-2022 by Deputy Conservator of Forests, Sirsi Division [letter No. A3/GFL/FC/CR- /2022-23/1623 dated 27-09-2022] and online reply dated 26-07-2023 to the Nodal Officer's EDS query [letter No. A3/Land/murugamatha/FC/CR- /2022-23/965 dated 17-07-2023]
4. Online submission of PART-III on 28-10-2022 by the Conservator of Forests, Kanara Circle [letter No. B2/GFL/Approach Road/CR-26/2022-23 dated 27-10-2022] and online reply dated 25-08-2023 to the Nodal Officer's EDS query [letter No. B2/GFL/Approach Road/CR-19/2022-23/1082 dated 02-08-2023]

1. Sri Shivamurthy Murugha Sharanaru, Rudraveramatha, Simpiggalli, Sirsi [USER AGENCY] has submitted an online proposal [FORM-A PART-I] vide Ref (1) on 20-03-2020 seeking approval under the Forest (Conservation) Act, 1980 for diversion 0.06 hectare of forest land in F.Sy.No. 188/4 of

Mundigesara village, Kasaba Hobli, Sirsi taluk, Uttara Kannada District for approach road (cart track) to connect from existing road to Patta land in Sy No. 338 of Mudagesar village. The same was accepted by Nodal Officer (FCA) on 20-05-2020 for further processing. After receiving the acknowledgement online on 20-07-2020 from User Agency for having delivered 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, Sirsi Division 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 and Component-wise breakup of the forest land proposed for diversion are given below.

District, Taluk, Hobli	Village & Sy No.	Name of Project Component	Forest Land proposed for diversion (ha)	Legal status of Land
Utthara Kannada District, Sirsi Taluk, Kasaba Hobli	Mundigesars Sy No. 188/4	Carriage Way	0.034	Protected Forest
		Drain	0.013	
		Shoulder	0.013	
Total			0.06	

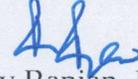
3. **DCF, Sirsi Division Report:** The Deputy Conservator of Forests Sirsi Division has inspected the spot on 02-08-2022 and has submitted the Site Inspection Report, the details of the area along with the recommendation in PART-II of the proposal vide Ref (3) to the Conservator of Forests, Kanara Circle. Main features of the proposal based on the DCF, Sirsi Report r/w the report of the CF, Kanara Circle and that of the ICT Centre of Forest Department are as follows.

- a. The forest land proposed for diversion is in general landscape of Eco-Class-I with canopy density up to 0.1 (Open Forest).
- b. The proposed road is the shortest possible distance from the existing road to the malki land and there's no alternative road for the said land.
- c. As per Item 4(ii) of PART-II, there are 28 trees in different girth classes in the forest land proposed for diversion. Main species include *Terminalia bellirica*, *Terminalia paniculate*, *Terminalia chebula*, *Pterocarpus marsupium* and other species.
- 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/ Archaeological/ 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 the Forest (Conservation) Act, 1980.
4. **CF, Kanara Circle Report:** The Conservator of Forests, Kanara Circle has inspected the proposed area personally on 25-10-2022 and vide Ref (4) has submitted the Site Inspection Report in PART-III online. Agreeing with the recommendation made by the Deputy Conservator of Forests, Sirsi Division, the Conservator of Forests, Kanara Circle 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. 5-3/2011-FC dated 06-01-2022. **The User Agency has submitted an Undertaking 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). In present case, there are 28 trees on forest land as reported in Item 4(ii) of PART-II of the proposal.
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 to obtain the said certificate in prescribed format and submit a copy.**

Under the above circumstances and agreeing with recommendation of the field officers, **it is requested to consider the proposal for 'in-principle' (Stage-I) approval under Forest (Conservation) Act, 1980 for diversion of 0.06 hectare of forest land in F.Sy.No. 188/4 of Mundigesara village, Kasaba Hobli, Sirsi taluk, Uttara Kannada District for approach road (cart track) to connect from existing road to Patta land in Sy No. 338 in favour of Sri Shivamurthy Murugha Sharanaru, Rudraveramatha, Simpigalli, Sirsi for a period of 20 years subject to production of RoFR certificate in FORM-I (for Linear projects) 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 further subject to conditions appended in Annexure 'A'.**

Yours Faithfully



(Rajiv Ranjan, IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Chief Conservator of Forests, Kanara Circle Sirsi for information.
2. Deputy Conservator of Forests, Sirsi Division, Sirsi for information.
3. Sri Shivamurthy Murugha Sharanaru, Rudraveramatha, Simpigalli, Sirsi, Uttara Kannada District – 581401 for information and **with a request to obtain and produce the RoFR Certificate in FORM-I (for Linear projects) issued by Deputy Commissioner**

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 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.



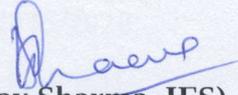
(Rajiv Ranjan, IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

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>Recommended for diversion of 0.06 hectare of forest land in F.Sy.No. 188/4 of Mundigesara village, Kasaba Hobli, Sirsi taluk, Uttara Kannada District for approach road (cart track) to connect from existing road to Patta land in Sy No. 338 in favour of Sri Shivamurthy Murugha Sharanaru, Rudraveramatha, Simpigalli, Sirsi for a period of 20 years subject to production of RoFR certificate in FORM-I (for Linear projects) 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 further subject to conditions appended in Annexure 'A'.</p> <p>Proposal No.: FP/KA/Approach/44945/2020</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>	

Signature:



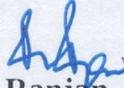
Name:

(Vijay Sharma, IFS)

Designation:

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

Signature:



Name:

(Rajiv Ranjan, IFS)

Designation:

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

N.D.O. No.

/2023-24

(Official Seal)

Dated

/08/2023