

C.No.20895

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 ಅಡ್ಡ ರಸ್ತೆ, ಮಲ್ಲೇಶ್ವರಂ,
ಬೆಂಗಳೂರು-560 003.

Aranya Bhavan, 18th Cross,
Malleshwaram, Bengaluru-560 003
Telephone : 080 2334 6472
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No. A5(2).GFL.CR-6/2017-18

Date: 5 -02-2018

Proposal No. FP/KA/ROAD/29278/2017

To, (ಅಧಿ: 354)

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

Madam,

Sub: Diversion of 0.692 ha of forest land in Sy. No. 140 of T. Yammiganur Village, Talya Hobli, Holalkere Taluk, Chitradurga District for formation of approach road connecting existing road to the crusher in favour of M/s. Shivaparam Constructions Stone Crusher, T. Yammiganur-reg.

- Ref: 1. Online proposal dated 09-11-2017 (resubmitted) of M/s. Shivaparam Constructions stone crusher, T. Yammiganur.
2. This office online communication dated 09-01-2018 to Deputy Conservator of Forests, Chitradurga Division, Chitradurga.
3. Letter No.A6/FC/Yammiganuru/29278/CR-45/2017-18 dated 30-01-2018 and online submission of PART-II by Deputy Conservator of Forests, Chitradurga Division, Chitradurga to Chief Conservator of Forests, Ballari Circle on 01-02-2018.
4. Letter No. M1:QDL:Road:CR-6/2017-18 dated 05-02-2018 and online submission of Part-III by the Chief Conservator of Forests, Ballari Circle, Ballari to Nodal Officer on 07-02-2018).

* * * * *

1. M/s. Shivaparam Constructions Stone Crusher, T. Yammiganur vide reference (1) has submitted a proposal through web portal mode for diversion of 0.692 ha of forest land in Sy. No. 140 of T. Yammiganur Village, Talya Hobli, Holalkere Taluk, Chitradurga District for formation of approach road connecting existing road to the crusher for obtaining approval under Section-2 of Forest (Conservation) Act, 1980. Accordingly, a communication through online was made by Nodal Officer vide reference (2) to the Deputy Conservator of Forests, Chitradurga Division, Chitradurga and Deputy Commissioner, Chitradurga District to process the said proposal and to submit their specific opinion / recommendations.

2. **Report of DCF, Chitradurga Division:** The Deputy Conservator of Forests, Chitradurga Division, Chitradurga vide reference (3) has submitted his online report (PART-II) along with his Site Inspection Report to Chief Conservator of Forests, Ballari Circle, Ballari.

The details of the proposal are given below:

Component-wise breakup	Village	Sy.No.	Length x Width (m)	Extent (in ha)	Status of forest land
Formation of approach road connecting existing road	T. Yammiganur	140	1100.00 x 6.10	0.671	Section-4 notified forest area.
				0.021	
Total				0.692	

Note: The proposed extent has been arrived to 0.692 ha after considering 0.021 ha of road curve (bend).

The Deputy Conservator of Forests, Chitradurga Division has inspected the project site on 29-01-2018 and has reported the following:

1. Proposed area is the bare minimum and unavoidable.
2. Proposed forest area falls under as Eco-class-III.
3. No tree is required to be felled.

4. There are no rare / endangered / unique species of flora and fauna in the proposed area.
5. The proposed area does not form part of any declared National Park, Wildlife Sanctuary, Biosphere Reserve, and Tiger reserve or Elephant corridor.
6. There are no protected / archaeological / heritage sites / defence / establishments located in the proposed area.
7. The forest area is open forest and prone for erosion.
8. There is no violation reported under Forest Conservation Act, 1980.

3. Report of CCF, Ballari Circle: Chief Conservator of Forests, Ballari Circle has submitted his report (Part-III) and uploaded it online vide reference (4). The Chief Conservator of Forests, Ballari Circle, Ballari has not inspected the spot personally but has recommended the proposal for acceptance duly agreeing with the recommendations of the Deputy Conservator of Forests, Chitradurga Division, Chitradurga as there is no alternate approach road connecting to the User Agency's stone crusher point.

4. Compensatory Afforestation: The forest area proposed for diversion is less than 1.00 ha and is governed by Para 3.2 (viii) (b) of Government of India FC Guidelines, which provides **exemption from Compensatory Afforestation (CA)**, however mandates planting of ten times the number of trees likely to be felled in accordance with the letter No.A5 (3).GFL.CR-28/2009-10 dated 04-11-2017 of the PCCF (HOFF). However, no tree is required to be felled in this case. However, as reported by the Deputy Conservator of Forests, Chitradurga Division in order to arrest / check the soil erosion SMC works in the forest area of the proposed approached road to a width of 100 Mtrs on both sides along with avenue plantation of local species on both sides of proposed road shall be taken up by the Karnataka Forest Department at the cost of User Agency. In this regard, the Deputy

Conservator of Forests, Chitradurga Division shall prepare a Working Scheme for implementation.

5. Net Present Value (NPV): Further, the User Agency has to pay the Net Present Value (NPV) of forest land being diverted under this proposal as per conditions stipulated by Government of India, Ministry of Environment and Forests, New Delhi vide letter No. 11-9/98-FC dated 13-02-2014 and Orders dated 28-03-2008 and 09-05-2008 of the Hon'ble Supreme Court of India in I.A.No. 826 in I.A. 566 in WP(C) No. 202/1995. In this regard, **User Agency has agreed to pay the charges towards Net Present Value (NPV) and has submitted an Undertaking** in this regard.


6. Status of RoFR: With regard to compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 (No.2 of 2007) and Rules 2008, the User Agency has not furnished of requisite Certificate as per guidelines issued by Ministry of Environment and Forest, New Delhi vide letter No. 11-9/1198-FC(Pt) dated 03-08-2009/05-07-2013 in Form-I.

The User Agency in present case is a private entity and hence the proposal is required to be submitted to the Government of India for considering approval under the Forest (Conservation) Act, 1980.

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to move the proposal with the Government of India, Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Bengaluru, for according 'in-principle' (Stage-I) approval under Forest (Conservation) Act, 1980, for a period of twenty (20) years, subject to conditions listed in Annexure 'A' and production of certificate of Forest Rights Act, 2006 compliance (in original).

The proforma particulars along with the relevant documents in 3 sets are submitted herewith for kind perusal and further action.

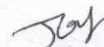
Yours faithfully


Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the Chief Conservator of Forests, Ballari Circle, Ballari for necessary action.


Copy to the Deputy Conservator of Forests, Chitradurga Division, Chitradurga for necessary action.

Copy to Sri Veeresh S/o Venkateshappa, M/s. Shivaparam Constructions Saraswathi Puram, 1st Cross, Sahyadri Badavane, 2nd Main, Chinmay Jnani Nilaya, Chitradurga-577 501 for information and necessary action regarding furnishing of requisite Certificate under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 (No.2 of 2007) and Rules 2008 issued by the Deputy Commissioner, Chitradurga District at the earliest.


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5-3-18

ANNEXURE 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be as forest land.
2. The lessee shall pay lease rent as fixed by the Government from time to time.
3. The lease tenure shall be 20 (twenty) years.
4. 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 one year or when it is no longer needed for the stipulated purpose, the area shall be resumed back. The Chief Conservator of Forests / Deputy Conservator of Forests concerned is authorized to take necessary action in this regard.
5. In case any violations are committed by the user agency under the forest laws, the forest lease shall be liable for forfeiture under Section 82 of Karnataka Forest Act 1963.
6. No constructions other than other than formation of approach road shall be permitted in the proposed forest area.
7. The User Agency has to pay the Net Present Value (NPV) for forest land diverted.
8. The User Agency has to pay charges towards SMC works in the forest area of the proposed approached road to a width of 100 Mtrs on both sides along with avenue plantation of local species, to be taken up by the Karnataka Forest Department.
9. The User Agency shall ensure that there is no damage to the available fauna and other flora in and around the leased area. Any violation will be liable for action under relevant forest and any other laws.
10. No labour camp shall be established in the forest area.
11. All waste / debris generated shall be scientifically disposed off.
12. All precautions shall be taken to ensure fire- protection of the forest while executing the works.
13. Any damage to forest area due to such works shall be compensated by the User Agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
14. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
15. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act, 1986, if required.
16. The User Agency shall also abide by all the conditions imposed by Government of India, Government of Karnataka and the Principal Chief Conservator of Forests, (Head of Forest Force).


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)

Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.

(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).

Submitted for approval for diversion of 0.692 ha of forest land in Sy. No. 140 of T. Yammiganur Village, Talya Hobli, Holalkere Taluk, Chitradurga District for formation of approach road connecting existing road to the crusher in favour of M/s. Shivaparam Constructions Stone Crusher, T. Yammiganur under the Forest (Conservation) Act, 1980 subject to compliance under FRA, 2006 and other conditions listed in Annexure 'A'.

Signature:

Name:

Designation:

JAGMOHAN SHARMA IFS

de
12/18
Additional Principal Chief Conservator of Forests
(Forest Conservation) and
Nodal Officer (FCA)

(Official Seal):

Counter signed by :

Name:

Designation:

PUNATI SRIDHAR IFS

de
12/18
Principal Chief Conservator of Forests
(Head of Forest Force)

(Official Seal):

N.D.O. No: *44*/2017-18.

Date: *05*-03-2018.

D: A5(2)/QRY/ M/s. Shivaparam Construction

