

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 28.218 hectare of forest land in Baad, Binaga, Arga and 20 other villages in Uttara Kannada and Udupi Districts (Karwar, Honnavar and Kundapur Forest Divisions) for slope protection of Four-laning of Goa-Karnataka Border to Kundapur Section of NH-66 (formerly NH-17) (from KM 93.700 to KM 283.300) in favour of Project Director, National Highway of India (NHAI), Project Implementation Unit (PIU), Mangaluru for a period of Thirty (30) years and subject to the production of RoFR certificate in FORM-I 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 subject to conditions appended in Annexure 'A'.</p> <p>Proposal No. FP/KA/ROAD/34601/2018</p>
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Signature:

Name:

Designation:

(Rajiv Ranjan, IFS)

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

Signature:

Name:

Designation:

(Punati Sridhar, IFS)

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

N.D.O. No. 39 /2019-20

(Official Seal)

Dated 06 /03/2020



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), Compensatory Afforestation (CA) charges, cost of extraction of trees (if required in future), 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 nature and dimensions all along the project road at regular intervals to create awareness among public regarding forest, wildlife and environment issues in consultation with the jurisdictional Deputy Conservator of Forests.
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. 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.
8. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
9. 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.
10. 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.
11. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
12. No change in Land Use Plan shall be done unless prior approval of Government of India under FC Act is obtained.
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 and/or 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)

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-560003

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Old File No. No. A5(2)k.GFL.CR-06/2018-19

E-office File No. KFD/HOFF/A52k(GFL)/63/2018-FC

E-67576

Date 24-02-2020

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 28.218 hectare of forest land in Baad, Binaga, Arga and 20 other villages in Uttara Kannada and Udupi Districts (*Karwar, Honnavar and Kundapur Forest Divisions*) for slope protection of Four-laning of Goa-Karnataka Border to Kundapur Section of NH-66 (formerly NH-17) from KM 93.700 to KM 283.300 in favour of Project Director, National Highway of India (NHAI), Project Implementation Unit (PIU), Mangaluru

Proposal No. FP/KA/ROAD/34601/2018 [FORM-A]

- Ref:**
1. Online proposal [FORM-A PART-I] dated 20-03-2019 (resubmitted) of Project Director, National Highway of India (NHAI), Project Implementation Unit (PIU), Mangaluru and uploading of Acknowledgement online on 10-04-2019 for having delivered the hard copy of proposal to jurisdictional Deputy Conservators of Forests & Deputy Commissioners
 2. This office online communication dated 12-04-2019 to Deputy Conservator(s) of Forests, Karwar, Honnavar & Kundapur Division(s) for further processing of the proposal
 3. Online submission of PART-II on 28-08-2019 by Deputy Conservator of Forests, Karwar Division r/w online reply dated 04-01-2020 to the latest EDS query of Nodal Officer [letter No.B4/GFL/FCA/SR-11/2011-12 dated 28-08-2019 and 02-01-2019]
 4. Online submission of PART-II on 26-09-2019 by Deputy Conservator of Forests, Honnavar Division r/w online reply dated 06-01-2020 to the latest EDS query of Nodal Officer [letter No.B4/GFL/FCA/ NH/2019-20 dated 26-09-2019]
 5. Online submission of PART-II on 18-09-2019 by Deputy Conservator of Forests, Kundapur Division r/w r/w online reply dated 29-01-2020 to the latest EDS query of Nodal Officer

[letter No. DMN/Viva-08/NH-66/FLD/2019-20 dated 09-10-2019]

6. Online submission of PART-III on 23-10-2019 by the Chief Conservator of Forests, Kanara Circle r/w online reply dated 13-01-2020 to the latest EDS query of Nodal Officer [letter No. B2/GFL/CR-19/2019-20 dated 04-10-2019 & 13-01-2020]
7. Online submission of PART-III on 23-10-2019 by the Chief Conservator of Forests, Mangaluru Circle r/w online reply dated 01-02-2020 to the latest EDS query of Nodal Officer [letter No. A3/NHA/CR-71/2012-13(Kandla CA) dated 25-10-2019]

1. The Project Director, National Highway of India (NHAI), Project Implementation Unit (PIU), Mangaluru [USER AGENCY] has (re)submitted an online proposal [FORM-A PART-I] on 20-03-2019 seeking approval under the Forest (Conservation) Act, 1980 for Diversion of 28.218 hectare of forest land in Baad, Binaga, Arga and 20 other villages in Uttara Kannada and Udupi Districts (Karwar, Honnavar and Kundapur Forest Divisions) for slope protection of Four-laning of Goa-Karnataka Border to Kundapur Section of NH-66 (formerly NH-17) (from KM 93.700 to KM 283.300). The same was accepted by Nodal Officer (FCA) on 08-04-2019 for further processing. After receiving the Acknowledgement online on 10-04-2019 for having delivered the hard copies of the proposal by the User Agency to the jurisdictional Deputy Conservators of Forests & Deputy Commissioners, the online link was forwarded to the Deputy Conservator(s) of Forests, Karwar, Honnavar & Kundapura Divisions 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	Village		Forest Land proposed for diversion (ha)	Name of Project Component	Status of Land
Uttara Kannada	Karwar	1	Baad	0.48	Slope Stabilization beyond PROW in NH66	Reserved Forest
		2	Binaga	0.405		
		3	Arga	2.505		
		4	Amdalli	2.28		
	Ankola	5	Harwada	0.435		
		6	Avarsa	0.015		
		7	Shedigeri	0.2625		
		8	Belese	1.75		
		9	Shirur	2.827		
		10	Kodasani	1.8585		
		11	Balale	0.36		
	Kumta	12	Bargi Kurigadde	1.8		

		13	Yetinbail	0.48
		14	Mirjan	1.23
		15	Divigi	2.51
		16	Manaki	0.4
	Honnavar	17	Honnavar	0.6
		18	Kelaginoor	2.404
		19	Gunavante	0.45
		20	Manki	0.117
		21	Sulebelu	0.154
	Udupi	Byandoor	22	Paduvari
23			Shiroor	0.95
Total				28.2175

3. DCF, Karwar Division Report: The Deputy Conservator of Forests Karwar Division has inspected the spot on 27-08-2019 and has submitted the Site Inspection Report, the details of the area along with the recommendation in the form of PART-II of the proposal to Chief Conservator of Forests, Kanara Circle. Main features of the proposal based on the DCF Karwar Report r/w the report of the CCF, 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 (Tropical Wet Evergreen Forests/ Tropical Semi Evergreen Forests/ Topical Moist Deciduous Forests) with 0.25 canopy density (Open Forest).
- b. The forest land proposed for diversion is on the left and right sides of the existing National Highway and is a hilly terrain. There is high level of landslides all along the National Highway during rainy season. The soil strata are fragile and the loose soil above the hard rock strata is found to be dangerous and it is sliding when it is saturated with heavy downpour. Sometimes, the loose soil all through the soil strata is also prone to sliding.
- c. As per Item 4(ii) of PART-II, there are no trees on the forest land proposed for diversion.
- d. Wild animals found in and around the project area include Leopard among others.
- e. There are no other rare / endangered / unique species of flora and fauna reported around the forest area 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.

- 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 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.
- i. There are no Protected/ Archeological/ Heritage Sites/ Defence establishments located in the proposed area.
- j. The forest area proposed for diversion is the bare minimum and unavoidable.
- k. There is no violation reported under Forest (Conservation) Act, 1980.

4. DCF, Honnavar Division Report: The Deputy Conservator of Forests Honnavar Division has inspected the spot on 28-04-2019 and 22-05-2019 and has submitted the Site Inspection Report, the details of the area along with the recommendation in the form of PART-II of the proposal to Chief Conservator of Forests, Kanara Circle. Main features of the proposal based on the DCF Honnavar Report r/w the report of the CCF, 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 (Tropical Wet Evergreen Forests/ Tropical Semi Evergreen Forests/ Topical Moist Deciduous Forests) with 0.1 canopy density (Open Forest).
- b. The forest land proposed for diversion is undulating terrain with gentle to very steep slope and loose soil. It is highly prone to soil erosion and landslide.
- c. As per Item 4(ii) of PART-II, there are 376 trees on the forest land proposed for diversion. Major species include *Eucalyptus* spp., *Acacia auriculiformis*, *Anacardium occidentale*, *Garcinia cambogia*, *Semecarpus anacardium* and other jungle wood species.
- d. Wild animals found in and around the project area include more or less those as encountered in Karwar and Kundapur Division limits. [Note: The entry made in Item 8(i) of PART-II of the proposal pertaining to Honnavar Division may be read accordingly.]
- e. There are no other rare / endangered / unique species of flora and fauna reported around the forest area 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.
- 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 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.
- i. There are no Protected/ Archeological/ Heritage Sites/ Defence establishments located in the proposed area.
- j. The forest area proposed for diversion is the bare minimum and unavoidable.
- k. There is no violation reported under Forest (Conservation) Act, 1980.

5. DCF, Kundapur Division Report: The Deputy Conservator of Forests Kundapur Division has inspected the spot on 10-09-2019 and has submitted the Site Inspection Report, the details of the area along with the recommendation in the form of PART-II of the proposal to Chief Conservator of Forests, Mangaluru Circle. Main features of the proposal based on the DCF Kundapur Report r/w the report of the CCF, Mangaluru 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 (Tropical Wet Evergreen Forests/ Tropical Semi Evergreen Forests/ Topical Moist Deciduous Forests) with 0.5 canopy density (Dense Forest).
- b. The forest land proposed for diversion is prone to soil erosion and land slide during rainy season. The soil strata are fragile with loose soil.
- c. As per Item 4(ii) of PART-II, there are 54 trees on the forest land proposed for diversion. Major species include *Anacardium occidentale*, *Acacia auriculiformis*, *Acacia catechu*, *Casurina equisetifolia* and *Sweetinia mahogany* among others.
- d. Wild animals found in and around the project area include Wild pig, Fox, Peafowl, among others.
- e. There are no rare / endangered / unique species of flora and fauna reported around the forest area 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.
 - 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 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.
 - i. There are no Protected/ Archeological/ Heritage Sites/ Defence establishments located in the proposed area.
 - j. The forest area proposed for diversion is the bare minimum and unavoidable.
 - k. The Deputy Conservator of Forests, Kundapur Division has reported that the User Agency has excavated a huge trench 600 m long, 4.5 m wide and 1.3 m depth during 2017. The User Agency has been sought an explanation in this regard, that is awaited.
6. **CCF, Kanara Circle Report:** The Chief Conservator of Forests, Kanara Circle has inspected the proposed area personally on 18-09-2019 and has submitted Site Inspection Report in PART-III online on 23-10-2019. Agreeing with the recommendation made by the Deputy Conservator(s) of Forests, Karwar and Honnavar Divisions, the Chief Conservator of Forests, Kanara Circle has also recommended the proposal.
 7. **CCF, Mangaluru Circle Report:** The Chief Conservator of Forests, Mangaluru Circle has inspected the proposed area personally on 18-10-2019 and has submitted Site Inspection Report in PART-III online on 23-10-2019. Agreeing with the recommendation made by the Deputy Conservator of Forests, Kundapur Division, the Chief Conservator of Forests, Mangaluru Circle has also recommended the proposal. The Chief Conservator of Forests, Mangaluru Circle has also confirmed the observation made by Deputy Conservator of Forests, Kundapur Division regarding the excavation of the trench and dumping the earth in Forest area.
 8. **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. 5-2/2017-FC dated 28-03-2019. **The User Agency has submitted an Undertaking (dated 23-08-2019) to pay the charges towards Net Present Value (NPV) of the forest land proposed for diversion.**

9. **Compensatory Afforestation (CA):** In accordance with the provisions of para 2.5 (f) of the 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 being a central Government agency implementing a Central Government project is exempted from the requirement of providing the non-forest land for Compensatory Afforestation purpose and the Compensatory Afforestation can be raised and maintained at the cost of User Agency on degraded forest land twice in extent of the forest area proposed for diversion. Accordingly, **the Deputy Conservator of Forests Karwar Division has identified an extent of 60 hectare of degraded forest land (Rserve Forest) in Honnebail F.Sy No. 178, Ankola Taluk & Range, Karwar Division for the purpose.** He has submitted the Compensatory Afforestation Site Suitability Certificate dated 02-01-2020, Compensatory Afforestation Scheme, Topo Map, Geo-referenced Map along with GPS readings of all corners and has also uploaded online. **Further, the User Agency has submitted an Undertaking (dated 23-08-2019) to pay the charges towards CA charges for the forest land proposed for diversion.**


10. **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. **The User Agency is being informed again 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 move the proposal with the Government of India for according 'in-principle' (Stage-I) approval under Forest (Conservation) Act, 1980 for diversion of 28.218 hectare of forest land in Baad, Binaga, Arga and 20 other villages in Uttara Kannada and Udupi Districts (Karwar, Honnavar and Kundapur Forest Divisions) for slope protection of Four-laning of Goa-Karnataka Border to Kundapur Section of NH-66 (formerly NH-17) (from KM 93.700 to KM 283.300) in favour of Project Director, National Highway of India (NHAI), Project Implementation Unit (PIU), Mangaluru for a period of Thirty (30) years and subject to the production of RoFR certificate in FORM-I 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 subject to 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 necessary action.

Yours Faithfully

(Punati Sridhar IFS)

 Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Chief Conservator of Forests, Kanara Circle Sirsi for information.
2. Chief Conservator of Forests, Mangaluru Circle Mangaluru for information.
3. Deputy Conservator of Forests, Karwar Division, Karwar for information
4. Deputy Conservator of Forests, Honnavar Division, Honnavar for information
5. Deputy Conservator of Forests, Kundapur Division, Kundapur for information
6. The Project Director, National Highway Authority of India, PIU, Door No.3-29, Bethel, Tharethota, Near Pump Well, NH-66, Mangaluru for information and further action to obtain and **produce the 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.**