

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯಪದ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ
Office of
Principal Chief Conservator of Forests
(Head of Forest Force)



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Old File No. A5(2).GFL.CR-03/2019-20
E-office File No.KFD/HOFF/A5-2(GFL)/129/2019-FC

E-88119

Date 06-08-2021

To

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

Sir,

Sub: Diversion of 2.5315 hectare of forest land in Rekhyia village, Mangaluru District for Four laying of Addahole (near Gundya) (existing chainage KM 263 + 000, Design Chainage KM 255+140) to Bantwal Cross in favour of Project Director, Project Implementation Unit (PIU), National Highway Authority of India (NHAI), Mangaluru.

Proposal No. FP/KA/ROAD/120467/2021/FORM-A/

- Ref:**
1. Online proposal [FORM-A PART-I] dated 23-03-2021 (re submitted) of the Project Director & DGM (T), National Highways Authority of India (NHAI), Project Implementation Unit, Mangaluru r/w Acknowledgement uploaded online on 15-04-2021 by User Agency for having delivered the hard copy proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner.
 2. This office online communication dated 17-04-2021 to Deputy Conservator of Forests, Mangaluru Division for further processing of proposal.
 3. Online submission of PART-II by Deputy Conservator of Forests, Mangaluru Division on 15-07-2021 [letter No. Landsection/CR-69/road widening/2011-12 (Addl. Land) dated 15-07-2021]
 4. Online submission of PART-III by the Chief Conservator of Forests, Mangaluru Circle, on 17-07-2021 [letter No. A3/CR-35/Addahole(FC)/21-22 dated 19-07-2021]

1. The Project Director & DGM(T), National Highways Authority of India (NHAI), Project Implementation Unit, Mangaluru vide reference (1) has submitted an online proposal through FC Web Portal seeking approval for diversion of 2.5315 hectare of forest land in Rekhyia village, Mangaluru District for Four laying of Addahole (near Gundya) (existing chainage KM 263 + 000, Design Chainage KM 255+140) to Bantwal Cross in favour of Project Director, Project Implementation Unit (PIU), National Highway Authority of India (NHAI), Mangaluru After

uploading of Acknowledgement on 15-04-2021 by User Agency for having delivered the hard copies of the proposal to jurisdictional DCF & DC, an online communication was made by the Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Mangaluru Division to process the said proposal and to submit specific opinion / recommendation.

2. **Location details and component wise break up of forest land proposed for diversion:** The location details of the forest land required for the project are as under:

District, Taluk, Hobli, Village	Village	Sy No.	Forest extent proposed for diversion (ha)	Legal status of land
Dakshina Kannada District, Putur & Belthangady Taluk, Uppinangadi & Kakkada Hobli	Ichalampady	95	1.3187	Reserved Forest
	—	51	0.1295	
	Rekhya	53	0.4061	
		69	0.6772	
Total			2.5315	

[*Note: Sy. No. 95 & 69 of Ichalampady and Rekhya are recorded as Reserved Forest in the RTCs. Sy. No. 51 & 53 of Rekhya are recorded as Government in the RTCs.*]

Component wise breakup: Details of requirement of the forest land for various components are given below.

S.no	Component	Forest Land (ha.)
1	4 lane Carriageway	1.68
2	Shoulder	0.6
3	Utility Corridor	0.12
4	Drain	0.131496
Total		2.5315

3. **DCF, Mangaluru Division Report:** The Deputy Conservator of Forests, Mangaluru Division has inspected the project site on 03-07-2021 and vide Ref (3) has submitted the Site Inspection Report along with other information in PART-II to the Chief Conservator of Forests, Mangaluru Circle. In the said report, the Deputy Conservator of Forests, Mangaluru has recommended the proposal for consideration. Main features of the forest land proposed for diversion based on the Deputy Conservator of Forests, Mangaluru Division report r/w with the reports of the Chief Conservator of Forests, Mangaluru Circle and that of ICT Centre of the Forest Department are given below.

- a. The forest land proposed for diversion is not vulnerable to soil erosion.

- b. The forest land proposed for diversion is in general landscape of Eco-class-I (Tropical Moist Deciduous forest) with a Canopy Density of up to 0.25 (Open Forest).
 - c. As per Item 4(ii) of PART-II, there are 171 trees in different girth classes. Main tree species include *Adina cordifolia*, *Albizia lebbbeck*, *Alstonia Scholaris*, *Terminalia Tomentosa*, *Pterocarpus Marsupium*, *Bombox Ceiba*, *Grewia Tiliaefolia*, *Casurina Equisitifolia*, *Garcinia Combogia*, *Terminalia Paniculata*, *Mangifera Indica*, *Lagistromia Lanceolata*, *Syzigium Cumini* and *Terminalia Bellarica*, *Xylia Xylocarpa* and others
 - d. Main wild animals reported in and around the project area include *Wild Boar*, *Ungulates etc.*
 - e. There are no other rare / endangered / unique species of flora and fauna in the proposed area.
 - f. There is no National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, wildlife migration corridor, within one (1) km distance 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 or defence establishments or important monuments in the area.
 - i. The requirement of forest land proposed by the User Agency is bare minimum and unavoidable for the project.
 - j. There is no violation reported under the Forest (Conservation) Act, 1980.
4. **Report of CCF, Mangaluru Circle:** The Chief Conservator of Forests, Mangaluru Circle has inspected the site on 15-07-2021 and has agreed with the report of Deputy Conservator of Forests, Mangaluru Division. The Chief Conservator of Forests, Mangaluru Circle vide Ref (4) has submitted his report in PART-III and 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. 5-2/2017-FC dated 28-03-2019. **The User Agency has submitted an Undertaking agreeing to pay the Net Present Value (NPV) of the forest land proposed for diversion.**
 6. **Compensatory Afforestation (CA):** In accordance with the special provisions laid in Para 3.2(ix) of FC Guidelines regarding Central Government projects, the User Agency is exempted from providing the non-forest land for Compensatory Afforestation purpose. Accordingly, the Deputy Conservator of Forests, Mangaluru Division has identified double the extent of forest land being diverted.

i.e., 5.10 hectare of degraded forest land for raising compensatory Afforestation in Sy No. 236/1, 262/2, 171 and 177 of Malavantige village, Nandikadu Block, Belthangady Hobli and Taluk, Mangaluru District. Further, the Deputy Conservator of Forests, Mangaluru has issued the CA Land Suitability Certificate and CA Scheme in Item 13 of PART-II of the proposal. The hard copies of CA related information (Topo Map, Geo-referenced Map, CA Land Suitability Certificate and CA Scheme) are enclosed herewith. Further, **the User Agency has also submitted an Undertaking agreeing to pay the Compensatory Afforestation charges.**

7. **Status of RoFR compliance:** In order to meet the requirement of the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules 2008 and the FC Guidelines, the User Agency has not obtained/ furnished the (copy of) requisite **RoFR Certificate in FORM-I (for Non-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 once 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 to the Government of Karnataka seeking in-principle (Stage-I) approval under Section 2 of Forest (Conservation) Act, 1980 for diversion of 2.5315 hectare of forest land in Rekhyia village, Mangaluru District for Four laying of Addahole (near Gundya) (existing chainage KM 263 + 000, Design Chainage KM 255+140) to Bantwal Cross in favour of Project Director, Project Implementation Unit (PIU), National Highway Authority of India (NHAI), Mangaluru for a period of twenty (20) years subject to submission of RoFR Compliance Certificate in FORM-I (for Linear projects) and the conditions listed 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 (Timeline) of the proposal obtained from the web-portal is also appended for necessary action.

Yours Faithfully

(Sanjai Mohan IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)


Copy to the Chief Conservators of Forests, Mangaluru Circle for information and necessary action.

Copy to the Deputy Conservators of Forests, Mangaluru Division for information and necessary action.

Copy to the Project Director & DGM(I), National Highway Authority of India, Project Implementation Unit, Door No.3-29, Bethel, Tharethota, near Pumpwell, NH-66, Mangaluru-575 005 for information **to obtain the original Certificate of RoFR Compliance in FORM-I (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 **and submit the attested / authenticated copy at the earliest.**

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 lessee shall not sub-lease, mortgage and hypothecate the forest area.
5. The Lessee shall provide signages in appropriate dimensions and kind near the proposed Road within forest limits for sensitization of general public towards the forest, wildlife and environmental issues in consultation with the jurisdictional Deputy Conservator of Forests.
6. The User Agency shall construct a 6 feet high compound wall around the project area to prevent the entry of wild animals into the project area and to avoid spreading of municipal waste inside the forest area.
7. 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.
8. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
9. 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.
10. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
11. 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.
12. 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.
13. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
14. 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.
15. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
16. 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.



(Sanjai Mohan 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 moving the proposal to Government of India for according 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 2.5315 hectare of forest land in Rekhyia village, Mangaluru District for Four laying of Addahole (near Gundya) (existing chainage KM 263 + 000, Design Chainage KM 255+140) to Bantwal Cross in favour of Project Director, Project Implementation Unit (PIU), National Highway Authority of India (NHAI), Mangaluru for a period of twenty (20) years subject to submission of RoFR Compliance Certificate in FORM-I (for Linear projects) and the conditions listed in Annexure 'A'.</p> <p>[Proposal No. FP/KA/ROAD/120467/2021]</p>
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Signature:
Name:
Designation:


RAJIV RANJAN IFS
Principal Chief Conservator of Forests
(Forest Conservation) and
Nodal Officer (FCA)

(Official Seal):

Counter signed by :
Name:
Designation:


SANJAI MOHAN IFS
Principal Chief Conservator of Forests
(Head of Forest Force)

(Official Seal):

N.D.O. No: 19 /2021-22

Date: 04-08-2021