

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)



ಅರಣ್ಯಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ
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Old File No. A5(2).GFL.CR-19/2019-20

E-office File No.KFD/HOFF/A5-2(GFL)/164/2019-FC

E-121026

Date 03-06-2020

To,

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

Sir,

Sub: Diversion of 0.894 hectare of forest land in Sy No. 176 of Kakti Village & Hobli, Belagavi Taluk & District (Belagavi Forest Division) for improvement with adjusting slope for the existing Hundalli-Kakti Road (Hundalli, Dharnatti, Mutyanatti Road at KM 16.50 to 17.80) in favour of the Executive Engineer, Public Works, Ports and Inland Water Transport Department, Belagavi

Proposal No.FP/KA/ROAD/41113/2019

- Ref:**
1. Online proposal [FORM-A PART-I] dated 20-01-2020 [resubmitted] of Executive Engineer, Public Works, Ports and Inland Water Transport Department, Belagavi and uploading of Acknowledgement online on 11-02-2020 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 17-02-2020 to Deputy Conservator of Forests, Belagavi Division, Belagavi for further processing of proposal
 3. Online submission of PART-II on 18-03-2020 by the Deputy Conservator of Forests, Belagavi Division r/w online reply dated 05-03-2020 of User Agency to EDS Query
 4. Online submission of PART-III on 04-05-2020 by the Chief Conservator of Forests, Belagavi Circle, Belagavi [Letter No. A7/LND/ROADKKT/BGM/CR-/2019-20 dated 04-05-2020]

1. The Executive Engineer, Public Works, Ports and Inland Water Transport Department, Belagavi [USER AGENCY] vide Ref (1) has (re)submitted an online

proposal [FORM-A PART-I] through FC web portal on 20-01-2020 for diversion of 0.894 ha of forest land in Sy No. 176 of Kakti village & Hobli Belagavi Taluk & District (Belagavi Forest Division) for improvement with adjusting slope for the existing Hundalli-Kakti Road (Hundalli, Dharnatti, Mutyanatti Road at KM 16.50 to 17.80) seeking approval under Section 2 of the Forest (Conservation) Act, 1980. After uploading of Acknowledgement on 11-02-2020 on FC web portal by User Agency for having delivered the hard copies of the proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner, an online communication was made by the Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Belagavi Division to process the said proposal and to submit specific opinion / recommendation.

- 2. Location details and component-wise breakup of forest land:** The location and component-wise breakup of forest land required for the project are as under.

District, Taluk, Hobli	Village	Sy No.	Project components		Extent of forest land proposed for diversion (ha)	Legal status of land
Belagavi Taluk & District, Kakti Village & Hobli	Kakati	176	Road(48 5 meter segment)	Carriageway	0.3129	Reserved Forest
				Side Shoulders	0.11175	
				Kaccha Drain	0.08046	
				Area required for slope in side cutting	0.38889	
Total					0.894	

The User Agency has uploaded the Cross-section of the proposed road segment showing various components in the proposed 20 meter width in Additional Information Details of PART-I of the proposal.

- 3. Report of DCF, Belagavi Division:** The Deputy Conservator of Forests, Belagavi Division has inspected the site on 04-03-2020 and vide Ref (3) has submitted his report along with Site Inspection Report in PART-II to Chief Conservator of Forests, Belagavi Circle, Belagavi. Main features of the proposal based on the DCF, Belagavi Report r/w the report of the CCF, Belagavi Circle and that of the ICT Centre of Forest Department are as follows.

- The forest land proposed for diversion is sloppy and thus vulnerable to soil erosion. [Note: The entry in Item 6 of PART-II may be read accordingly.]
- The forest land proposed for diversion is in general landscape of Eco-class-III (Dry Deciduous Forest) with a Canopy Density of 0.2 (Open Forest).
- As per Item 4(ii) of PART-II, there are no trees in the forest land proposed for diversion.
- There are no rare/ endangered/ unique species of flora and fauna in and 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/ Archeological/ 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 Forest (Conservation) Act, 1980.
4. **CCF, Belagavi Circle Report:** The Chief Conservator of Forests, Belagavi Circle has inspected the site personally on 04-05-2020 and vide Ref (4) has submitted the report in PART-III online. Agreeing with the recommendation made by the Deputy Conservator of Forests, Belagavi Division, the Chief Conservator of Forests, Belagavi 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. 5-2/2017-FC dated 28-03-2019. **The User Agency has submitted an Undertaking dated 19-07-2019 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). **Even though there are no trees likely to be felled for the project, the User Agency has submitted an Undertaking to pay the Compensatory Afforestation charges.**
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 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 consider according 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.894 hectare of forest land in Sy No. 176 of Kakti Village & Hobli, Belagavi Taluk & District (Belagavi Forest Division) for improvement with adjusting slope for the existing Hundalli-Kakti Road (Hundalli, Dharnatti, Mutyanatti Road at KM 16.50 to 17.80) in favour of Executive Engineer, Public Works, Ports and Inland Water Transport Department, Belagavi for a period of 20 years, subject to production of FRA 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 and further subject to the conditions listed in Annexure 'A'.

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

(Sanjai Mohan IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)

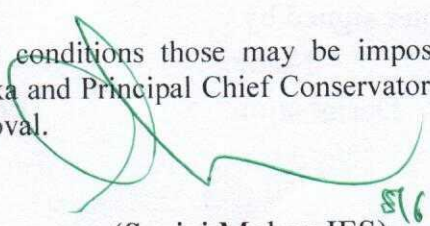
Copy to the Chief Conservator of Forests, Belagavi Circle, Belagavi for information.

Copy to the Deputy Conservator of Forests, Belagavi Division, Belagavi for information and necessary action.

Copy to the Executive Engineer, Public Works, Ports and Inland Water Transport Department, Belagavi for information and **with a request to obtain and provide the authenticated copy of the FRA 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 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 & hypothecate the forest area.
5. The Lessee shall provide signages in appropriate dimensions and nature on both sides of the 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 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.


(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)


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)

Recommended for considering according 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.894 ha of forest land in Sy No. 176 of Kakti Village & Hobli, Belagavi Taluk & District (Belagavi Forest Division) for improvement with adjusting slope for the existing Hundalli-Kakti Road (Hundalli, Dharnatti, Mutyanatti Road at KM 16.50 to 17.80) in favour of the Executive Engineer, Public Works, Ports and Inland Water Transport Department, Belagavi for a period of 20 years, subject to production of FRA 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 and further subject to the conditions listed in Annexure 'A'.

[Proposal No. FP/KA/ROAD/41113/2019]

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: /2020-21

Date: -06-2020