

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)



ಅರಣ್ಯಭವನ, 18 ನೇ ಅಡ್ಡರಸ್ತೆ
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E-office File No. KFD/HOFF/A52K(GFL)/82/2018-FC

E-68924

Encl: 4 sets of the proposal hard copies

Date 03-04-2023

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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 0.9896 Ha of forest land in Kagal village F.Sy No. 130A, Kumta Taluk, Uttara Kannada District (Honnavar Forest Division) for construction of Asphalted Approach Road to the proposed Resort (in Patta land) in favour of M/s Biogen Wellness Private Ltd, Beerkodi, Kagal village, Kumta Taluk, Uttara Kannada District

Proposal No. FP/KA/Approach/36720/2018

- Ref:**
1. Online proposal (resubmitted) dated 13-06-2022 of M/s Biogen Wellness Private Ltd, Kumta Taluk, Uttara Kannada District and uploading of acknowledgment on 30-06-2022 for having delivered the hard copies of the proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner
 2. This office online communication dated 02-07-2022 to Deputy Conservator of Forests, Honnavar Division for further processing of the proposal
 3. Online submission of PART-II on 31-01-2023 by Deputy Conservator of Forests, Honnavar Division [letter No. B2/GFL/FC/CR-16/2022-23 dated 31-01-2023]
 4. Online submission of PART-III on 06-03-2022 by the Conservator of Forests, Kanara Circle [letter No. B2/GFL/Approach Road/CR-34/2022-23 dated 06-02-2023]

1. M/s Biogen Wellness Private Ltd, Beerkodi, Kagal village, Kumta Taluk, Uttara Kannada District [USER AGENCY] has submitted an online proposal (resubmitted) vide Ref (1) on 13-06-2022 seeking approval under the Forest (Conservation) Act, 1980 for diversion 0.9896 Ha of forest land in Kagal village F.Sy No. 130A, Kumta Taluk, Uttara Kannada District (Honnavar

Forest Division) for construction of Asphalted Approach Road to the proposed Resort (in Patta land). The same was accepted by Nodal Officer (FCA) on 20-06-2022 for further processing. After receiving the acknowledgement online on 30-06-2022 from the User Agency for having delivered the 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, Honnavar 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	Village & Sy No.	Name of Project Component	Forest Land proposed for diversion (ha)	Legal status of Land
Uttara Kannada District, Kumta Taluk	Kagal Village, Sy No. 130A	Approach road	0.9896	Reserved Forest
Total			0.9896	

- 3. DCF, Honnavar Division Report:** The Deputy Conservator of Forests Honnavar Division has inspected the spot on 20-01-2023 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, Honnavar Report r/w the report of the CF, Kanara Circle and that of the ICT Centre of Forest Department are as follows.

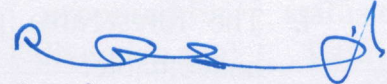
- The forest land proposed for diversion is in general landscape of Eco-Class-I with canopy density up to 0.25(Open Forest).
- As per Item 4(ii) of PART-II, there are 603 trees in different girth classes in the forest land proposed for diversion. Main species include *Acacia auriculiformis*, *Casuarina equisetifolia*, *Anacardium occidentale*, *Terminalia paniculate*, *Peltophorum pterocarpum* and others.
- As per the Item 8(ii) of Part-II, the major wild animals present in and around the forest land proposed for diversion are Indian wild boar, peacock and jungle fowls.
- 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 Forest (Conservation) Act, 1980.
4. **CF, Kanara Circle Report:** The Conservator of Forests, Kanara Circle has inspected the proposed area personally on 04-02-2023 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, Honnavar 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 603 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 furnished the requisite **Certificate in FORM-I (for Linear projects)** issued by the

jurisdictional Deputy Commissioner vide No. R.B/For/CR-5/2020-21 dated 25-11-2020.

Under the above circumstances and agreeing with recommendation of the field officers, **it is requested to consider the proposal and to move to Government of India seeking 'in-principle' (Stage-I) approval under Forest (Conservation) Act, 1980 for diversion of 0.9896 Ha of forest land in Kagal village F.Sy No. 130A, Kumta Taluk, Uttara Kannada District (Honnavar Forest Division) for construction of Asphalted Approach Road to the proposed Resort (in Patta land) in favour of M/s Biogen Wellness Private Ltd, Beerkodi, Kagal village, Kumta Taluk, Uttara Kannada District for a period of 10 years subject to conditions appended in Annexure 'A'.**

Yours Faithfully



(Raj Kishore Singh, IFS)

Principal Chief Conservator of Forests

(Head of Forest Force)

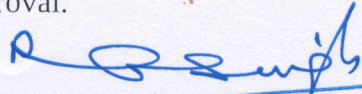
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Copy to the:

1. Chief Conservator of Forests, Kanara Circle Sirsi for information.
2. Deputy Conservator of Forests, Honnavar Division, Honnavar for information.
3. M/s Biogen Wellness Private Ltd, #435, Beerkodi, Kagal village, Kumta Taluk, Uttara Kannada District - 581381 for information

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 should allow other patta holders in the vicinity of malki land through the proposed road.
4. The User Agency shall demarcate the lease area in the manner specified at the time of approval at its own cost.
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 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.

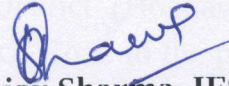

(Raj Kishore Singh, IFS) 6/4
Principal Chief Conservator of Forests
(Head of Forest Force)

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>(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).</p>	<p>Recommended for diversion of 0.9896 Ha of forest land in Kagal village F.Sy No. 130A, Kumta Taluk, Uttara Kannada District (Honnavar Forest Division) for construction of Asphalted Approach Road to the proposed Resort (in Patta land) in favour of M/s Biogen Wellness Private Ltd, Beerkodi, Kagal village, Kumta Taluk, Uttara Kannada District for a period of 10 years subject to conditions appended in Annexure 'A'.</p> <p>Proposal No.: FP/KA/Approach/36720/2018</p>
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Signature:

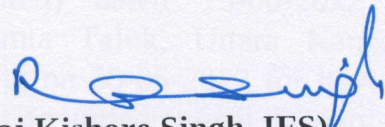

(Vijay Sharma, IFS)

Name:

Designation:

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

Signature:


(Raj Kishore Singh, IFS) 6.4.23

Name:

Designation:

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

N.D.O. No.

/2023-24

(Official Seal)

Dated

/03/2023

10/04/2023