

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ



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

ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003.

AranyaBhavan, 18th Cross
Malleshwaram, Bengaluru-560 003
Telephone : 080 2334 6472
Email : apceffc@gmail.com

E-office File No. KFD/HoFF/A5-4(GFL)/80/2019-FC

Enclosures 2 - 3600

E-123675

Date 09-05-2022

To,

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

Sir,

Sub: Diversion of 5.724414 ha (*revised from 0.58 ha*) of forest land Sy No. 59 and 60 of Dasarahalli village, Sy No. 59 and 60 of Devarahalli village, Sy No. 118 of Halelakya village, Sy No. 118 of Hiregowdja village Lakya Hobli, Chikkamagaluru Taluk, Sy No. 302 of Brahmasamudra village, Sy No. 74, 744 of Sakkarayapattana village, Sakkarayapattana Hobli and Sy No.1 of Yemmedoddi village, Beeruru Hobli, Kadur Taluk, Chikmagalur District for road widening to 2-lane with paved shoulders from Mudigere to Kadur Section (KM 24.600 to KM 70.063) of NH-173 in favour of Executive Engineer, National Highway Division, Public Works, Ports & Inland Water Transport Department, Hassan.

Proposal No. FP/KA/ROAD/41019/2019 [Form-A]

- Ref:**
1. Online proposal [FORM-A PART-I] dated 02-10-2021 (resubmitted) of the Executive Engineer (National Highway Division), Public Works, Ports & Inland Water Transport Department, Hassan r/w uploading of acknowledgement on 29-11-2021 for having delivered the hard copies of the proposal to jurisdictional Deputy Conservators of Forests & Deputy Commissioner.
 2. This office online communication dated 29-11-2021 to Deputy Conservators of Forests, Chikkamagaluru for further processing of proposal.
 3. Online submission of PART-II by Deputy Conservator of Forests, Chikkamagaluru on 08-03-2022 r/w online reply dated 26-11-2019 by user agency to the EDS query dated

o/c

08-12-2021 [Letter No. No.B4/NH-173/CR-36/2020-21 dated 19-03-2022]

4. Online submission of PART-III by Chief Conservator of Forests, Chikkamagaluru on 11-04-2022 r/w online reply dated 21-03-2022 & 11-04-2022 by DCF, Chikkamagaluru to the EDS query dated 14-03-2022 & 11-04-2022 [Letter No. 10/LND/FC/NH-173/CR-16/2021-22 dated 11-04-2022]

1. The Executive Engineer (National Highway Division), Public Works, Ports & Inland Water Transport Department, Hassan [user agency] vide ref (1) has submitted an online proposal [FORM-A PART-I] through FC web portal seeking approval under Section 2(ii) of the Forest (Conservation) Act, 1980 for diversion of 5.724414 ha (*revised from 0.58 ha*) of forest land Sy No. 59 and 60 of Dasarahalli village, Sy No. 59 and 60 of Devarahalli village, Sy No. 118 of Halelakya village, Sy No. 118 of Hiregowdja village Lakya Hobli, Chikkamagaluru Taluk, Sy No. 302 of Brahmasamudra village, Sy No. 74, 744 of Sakkarayapattana village, Sakkarayapattana Hobli and Sy No.1 of Yemmedoddi village, Beeruru Hobli, Kadur Taluk, Chikmagalur District for road widening to 2-lane with paved shoulders from Mudigere to Kadur Section (KM 24.600 to KM 70.063) of NH-173. After acceptance of the proposal by Nodal Officer (FCA) on 11-11-2021 for further processing, the user agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Chikkamagaluru Division and Deputy Commissioner, Chikkamagaluru District and has uploaded the acknowledgment on the web portal on 20-11-2021. Accordingly, an online communication was made by Nodal Officer (FCA) vide ref (2) to the Deputy Conservator of Forests, Chikkamagaluru for further processing of the proposal under Forest Conservation Act.

2. **Location details and Component wise break up:** Location details of the forest land proposed for diversion are given below.

District, Taluk, Hobli	Village	Sy No.	Forest extent proposed for diversion (ha)	Legal Status of Land
Chikkamagaluru District, Chikkamagaluru Taluk, Lakya Hobli	Dasarahalli	59, 60	0.1544	*Churchegudda Extension Block-II Reserve Forest
	Halelakya	118	0.3508	
	Devarahalli	59, 60	1.1423	Deemed Forest
	Hiregowdja	112	0.8388	**Village Forest
Chikkamagaluru District, Kadur Taluk, Sakkarayapattana Hobli	Brahmasamudra	302	0.1139	***Section-4
	Sakkarayapattana	74	3.004514	****Section-4
		744 (New Sy No. 6 of		

		Hastinapura Village)		
Chikkamagaluru District, Kadur Taluk, Beeruru Hobli	Yemmedoddi	Sy No. 70 (Old Sy No. 1)	0.1197	***** Section-4 (Tiger Preserve)
Total			5.724414	

*Government of Karnataka Notification No. FEE-122-FAF-2014 dated 18-11-2017

**Mysore Government Notification No. G. 6565-Cts. 172-35-3 dated 02-04-1936

*** Government of Karnataka Notification No. AHFF-66-FAF-88 dated 27-07-1991

****Mysore Government Notification No. G. 10448-Ft. 14.17.78. dated 22-04-1918

*****Mysore Government Notification No. A. F. 8892-Ft. 137-41-2 dated 04-02-1942

Component wise breakup of the forest land proposed for diversion is given below.

Name of Project component (Road widening)		Forest extent proposed for diversion (ha)
1	Carriageway	0.895486734
2	Paved Shoulder	0.381229497
3	Earthen Shoulder	0.459295776
4	Utility Corridor	0.055061461
5	Slope	0.288110079
6	Drain	0.74915622
7	Drain to Prow	2.896074233
Total		5.724414

3. DCF, Chikkamagaluru Division Report: The Deputy Conservator of Forests, Chikkamagaluru has inspected the site on 26-02-2022 and vide ref (3) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Chikkamagaluru. Main features of the proposal based up on the Deputy Conservator of Forests, Chikkamagaluru report r/w report of Chief Conservator of Forest, Chikkamagaluru and that of ICT Centre of Forest Department are summarized below.

- The forest land proposed for diversion is slightly undulating terrain slope and is slightly prone to soil erosion.
- The forest land proposed for diversion is in general landscape of Eco-Class III (tropical dry deciduous forests) with a canopy density up to 0.4 (open forest).
- As per Item 4(ii) of PART-II, there are 106 trees in different girth classes in the forest land proposed for diversion. Main species include *Eucalyptus* spp, *Cassia siamea*, *Leucaena leucocephala*, *Plumbago zeylanica*, *Albezzia amara*, *Tectona grandis*, *Aegle marmelos*, *Acacia auriculiformis*, *Terminalia bellirica*, *Mammea longifolia*, *Ficus benghalensis*, *Ficus religiosa*, *Acacia leucophloea*, *Delonix regia*, etc.

- d. Major wild animals present in and around the project area include the leopard, sambars, spotted deer and wild pig etc.,
 - e. There are no other rare / endangered / unique species of flora and fauna reported in the forest land 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, etc.
 - 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. There is no violation reported under Forest (Conservation) Act, 1980.
 - j. The requirement of forest land for the project is bare minimum and unavoidable.
4. **CCF, Chikkamagaluru Circle Report:** The Chief Conservator of Forests, Chikkamagaluru has inspected the site on 24-03-2022 [*Note: The SIR date mentioned in Item 15 may be read accordingly*] and agreeing with the recommendation made by the Deputy Conservator of Forests, Chikkamagaluru has also recommended the proposal. Specific comments of the Chief Conservator of Forests, Chikkamagaluru are mentioned in Item 15 & 16 of PART-II/III of the proposal cited at ref (4) above.
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 will be required to pay the applicable charges as per the order issued vide the Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division), New Delhi letter F.No. 5-3/2011-FC(Vol-I) dated 06-01-2022 (guidelines regarding revised rates of NPV), dated 19-01-2022 (regarding proposals applicable for revised rate of NPV) and dated 22-03-2022 (regarding proposals applicable for revised rate of NPV).** The user agency has submitted an undertaking dated 07-09-2021 to pay the Net Present Value (NPV) of the forest land proposed for diversion.
6. **Compensatory Afforestation (CA):** The user agency being a State Government agency is required to provide an equivalent extent of suitable non-forest land for compensatory afforestation. Accordingly, **the user agency has identified an**

extent of 6.88 hectare (17-00 Acre-Gunta) of government land in Melinahuluvathi village Sy No. 27, Jagara Hobli, Chikkamagaluru Taluk & District for raising compensatory afforestation. The Deputy Commissioner, Chikkamagaluru District vide Order No. M2/LND/CR-518/2020-21 dated 19-06-2021 has ordered for transfer of the said land to Forest Department. The process of mutation and formal transfer of the said land is underway. The Deputy Conservator of Forests, Chikkamagaluru has inspected the said land on 26-02-2022 and has issued CA land suitability certificate dated 19-03-2022 and has also submitted the CA scheme. As the said land cannot support the required number of plants per hectare (1000), the Deputy Conservator of Forests, Chikkamagaluru has identified an extent of 6.5 hectare of degraded forest land in Yemmedoddi village Sy No. 70 (old Sy No. 1), Beruru Hobli, Kadur Taluk, Chikkamagaluru District to plant the remaining number of plants. The Deputy Conservator of Forests, Chikkamagaluru has provided the CA related information for the proposal. The CA details in the form, the topo map, geo-referenced map along with GPS readings of all corners, CA suitability certificate dated 19-03-2022 and CA scheme are enclosed herewith. Further, **the user agency has also submitted an undertaking dated 07-09-2021 agreeing to pay the compensatory afforestation charges.**

2. **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. Accordingly, **the user agency is being informed again to obtain the said certificate in prescribed format and submit a copy.**

In light of the facts stated above and agreeing with the recommendation made by the field officers, **it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 5.724414 ha (revised from 0.58 ha) of forest land Sy No. 59 and 60 of Dasarahalli village, Sy No. 59 and 60 of Devarahalli village, Sy No. 118 of Halelakya village, Sy No. 118 of Hiregowdja village, Lakya Hobli, Chikkamagaluru Taluk, Sy No. 302 of Brahmasamudra village, Sy No. 74, 744 of Sakkarayapattana village, Sakkarayapattana Hobli and Sy No.1 of Yemmedoddi v, Beeruru Hobli, Kadur Taluk, Chikmagalur District for road widening to 2-lane with paved shoulders from Mudigere to Kadur Section (KM 24.600 to KM 70.063) of NH-173 in favour of Executive Engineer, National Highway Division, Public Works, Ports & Inland Water Transport Department, Hassan for a period of 20 years subject to**

submission of RoFR compliance certificate in FORM-I (for linear projects) and further subject to the 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 information.

Yours faithfully,

(Raj Kishore Singh IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)

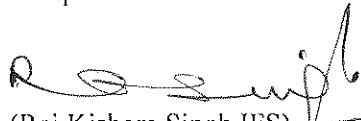
ok
Copy to the:

1. Chief Conservator of Forests, Chikkamanagaluru Circle, Chikkamagaluru for information.
2. Deputy Conservator of Forests, Chikkamagaluru Division, Chikkamagaluru for information.
3. Executive Engineer, National Highway Division, Public Works, Ports & Inland Water Transport Department, Ground Floor, PWD Circle Office, Hassan – 573 201 for information and with a request to obtain and submit the RoFR compliance certificate (in FORM-I) as mentioned above at the earliest.

11
ಕದಾನಿಸಲಾಗಿದೆ
08/08/2022

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 user agency shall provide signages of appropriate dimensions and kind in consultation with the jurisdictional Deputy Conservator of Forests at project cost for creating awareness among general public regarding forest, wildlife and environment issues.
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. 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.


(Raj Kishore Singh IFS)
Principal Chief Conservator of Forests
(Head of Forest Force) AT5

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 5.724414 ha (<i>revised from 0.58 ha</i>) of forest land Sy No. 59 and 60 of Dasarahalli Village, Sy No. 59 and 60 of Devarahalli village, Sy No. 118 of Halelakya village, Sy No. 118 of Hiregowdja village Lakya Hobli, Chikkamagaluru Taluk, Sy No. 302 of Brahmasamudra Village, Sy No. 74, 744 of Sakkarayapattana village, Sakkarayapattana Hobli and Sy No.1 of Yemmedoddi village, Beeruru Hobli, Kadur Taluk, Chikmagalur District for road widening to 2-lane with paved shoulders from Mudigere to Kadur Section (KM 24.600 to KM 70.063) of NH-173 in favour of Executive Engineer, National Highway Division, Public Works, Ports & Inland Water Transport Department, Hassan for a period of 20 years subject to submission of RoFR compliance certificate in FORM-I (for linear projects) and further subject to the conditions appended in Annexure 'A'.</p> <p>Proposal No. FP/KA/ROAD/41019/2019 [Form-A]</p>
---	---

Signature:

Name:

Designation:


(VIJAY SHARMA IFS)


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

(Official Seal)

Countersigned by:

Name:

Designation:


(RAJ KISHORE SINGH IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)
(Official Seal)

9/5/22

N.D.O. No. 04/2022-23

Date: 10-04-2022
05-

