

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.

Aranya Bhavan, 18th Cross
Malleshwaram, Bengaluru-560 003
Telephone : 080 2334 6472
Email : apccffc@gmail.com

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E-office File No. KFD/HoFF/A5-4(GFL)/45/2018-FC

Date 18-01-2020

Enclosures - 3

11-02

To,

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

Sir,

Sub: Diversion of 40.79 hectare of forest land in Dhannur (Sevanagar), Khanapur and 8 other villages in Bhalki, Bidar & Humanabad Taluks of Bidar District for widening of exiting road in Bidar - Humnabad Section (KM 0.000 to KM 101.400) of NH-50 to 2/4-lane with paved shoulders in favour of the Executive Engineer, Public Works, Ports & Inland Water Transport Department (NH-Division), Kalaburgi

Proposal No. FP/KA/ROAD/33965/2018

- Ref:**
1. Online Proposal [FORM-A PART-I] dated 12-04-2019 (re-submitted) of the Executive Engineer, Public Works, Ports & Inland Water Transport Department (NH-Division), Kalaburgi r/w uploading of Acknowledgement on 25-04-2019 for having delivered hard copy of the proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner
 2. This office online communication dated 08-05-2019 to Deputy Conservators of Forests, Bidar Division for further processing of the proposal
 3. Online submission of PART-II by Deputy Conservator of Forests, Bidar Division on 24-06-2019 r/w online reply dated 26-11-2019 to EDS Query [Letter No. A5.Bhoopa:NH50:CR-/2019-20 dated 27-06-2019 and 11-12-2019]
 4. Online submission of PART-III by Chief Conservator of Forests, Kalaburgi Circle on 06-07-2018 to Nodal Officer

[Letter No.A4/CCF/FL/B/NH-50/CR-41/2019-20 dated 08-07-2019 and 20-12-2019]

1. The Executive Engineer, National Highway Division, Public Works, Ports & Inland Water Transport Department [PWP&IWTD], Kalaburgi [USER AGENCY] vide Ref (1) has submitted an online proposal [FORM-A PART-I] through FC Web Portal seeking approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 40.79 hectare of forest land in Dhannur (Sevanagar), Khanapur and 8 other villages in Bhalki, Bidar & Humanabad Taluks of Bidar District for widening of exiting road in Bidar - Humnabad Section (KM 0.000 to KM 101.400) of NH-50 to 2/4-lane with paved shoulders. After acceptance of the proposal by Nodal Officer (FCA), the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Bidar Division and Deputy Commissioner, Bidar District and has uploaded the Acknowledgment on the web portal on 25-04-2019. Accordingly, an online communication was made by Nodal Officer vide Ref (2) to the Deputy Conservator of Forests, Bidar Division for further processing of the proposal under FC Act.
2. **Location details:** The location details of the forest land required for the project are given below.

District	Taluk	Hobli	Village	Sy. No	Forest extent proposed for diversion (ha)	Legal Status of Land
Bidar	Bhalki	Halabarga	Dhannur (Sevanagar)	9 (old 97)	1.120	Section 4 notified *
				25 (old 103)	0.839	
			Khanapur	192	0.107	
				190	0.551	
				191	0.943	
				188	0.529	
				187	1.679	
				193	0.165	
			Byalahalli	58	3.063	Protected Forest**
	Bidar	Kamatana	Kapilapur	6	2.612	Section 4 notified***
			Ativala	20	1.202	
				21	0.242	
				22	0.286	
				24	0.053	Unclassed Forest
				25	0.279	Section 4 notified****
				23	0.065	Parampoke
			Kholhara K	122	3.163	Unclassed Forest
				123	3.036	Unclassed Forest
			Naubad	128	0.199	Section 4 notified****
				145	0.226	
				129	0.196	

				141	0.345	
				144	0.330	
				143	0.132	
				142	0.185	
				150	0.454	
				140	0.822	
				167	0.449	
			Anaduru	328	9.097	
				329	1.140	Unclassed Forest
	Humnabad	Hallikhed	Kabirabad	81	0.487	Deemed Forest
			Parampoke		5.676	Deemed Forest
		Humnabad	Dhumansur	4	0.976	Unclassed Forest
				280	0.145	Unclassed Forest
			Grand Total		40.792	

*Government of Mysore (Karnataka) Notification S.O.5851 dated 18-11-1966

**Government of Mysore (Karnataka) Notification No. F.ST./183/2/55 dated 28-02-1957

***Government of Mysore (Karnataka) Notification No. 65/Rft/60/61 dated 22/06/1961

****Government of Mysore (Karnataka) Notification No. AFD 21 FAF 63 dated 03-07-1963

*****Government of Mysore (Karnataka) Notification No.S.O.1649 dated 27-07-1968

Component wise breakup: The component wise breakup of the forest land required for the project is given below.

Components		Forest area (ha)
1	ROW(comprising of Utility Corridor & tree plantation)	31.682
2	Paver Blocks	0.4574
3	Carriageway	2.8077
4	Earthen Shoulder	2.0668
5	Toe	3.5072
6	Drain/ Footpath	0.2689
Total		40.79

3. **DCF, Bidar Division Report:** The Deputy Conservator of Forests, Bidar Division, Bidar has inspected the site on 22-06-2019 and 24-06-2019 and vide Ref (3) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Kalaburgi Circle. Main features of the proposal based up on the Deputy Conservator of Forests, Bidar report r/w report of Chief Conservator of Forests, Kalaburgi Circle and that of ICT Centre of Forest Department are summarized below.

- The forest land proposed for diversion is nearly plain and the annual rainfall is low. Hence it is not much vulnerability to soil erosion.
- The forest land proposed for diversion is in general landscape of Eco-Class-III (Tropical Dry Deciduous Forests) with canopy density of more than 0.6 (Very Dense Forest).
- As per Item 4(ii) of PART-II, there are 3147 trees in various Girth classes in the proposed forest land for diversion. Main species include *Gliricidia* sps, *Azadirachta indica*, *Acacia auriculiformis*, *Eucalyptus* sps, *Acacia*

auriculiformis, *Pongamia pinnata*, *Cassia siamea*, *Albizia lebbec*, *Mangifera indica*, *Butea monosperma*, *Ficus* sps, *Zizyphus* sps, among others.

- d. Major wild animals present in and around the area include Blackbuck, Wild pig, Jackal, Common langur, Peafowl, etc.
 - e. The forest area 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 other rare / endangered / unique species of flora and fauna reported in 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 National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc., located within one kilometre from boundary of the forest land proposed for diversion
 - i. There are no Protected/ Archaeological/ Heritage Sites or Defence Establishments or important monuments in the area.
 - j. There is no violation reported under Forest (Conservation) Act, 1980.
 - k. The requirement of forest land for the project is bare minimum and unavoidable.
4. **CCF, Kalaburgi Circle Report:** The Chief Conservator of Forests, Kalaburgi Circle has inspected the site on 29-06-2019 and agreeing with the recommendations of the Deputy Conservator of Forests, Bidar Division has recommended the proposal. Specific comments of the Chief Conservator of Forests, Kalaburgi Circle are mentioned in PART-III of the proposal cited at Ref (4) above.
5. **Compensatory Afforestation (CA):** The User Agency being a State Government Agency is required to provide an equivalent extent of non-forest land towards Compensatory Afforestation. Further, as per Para 2.4(i) of the latest FC Guidelines of Government of India communicated vide letter F.No. 5-2/2017-FC dated 28-03-2019, the revenue lands and all such categories of forest lands not under management and/or administrative control of the Forest Department, on which the provisions of FC Act 1980 are applicable, shall be considered for the purpose. However, such lands are to be provided double in extent to the area proposed for diversion. Accordingly, the User Agency has identified an extent of 201-23 Acre-Gunta (81.58 hectare) of Deemed Forest land in Kabirabad Village under the

Revenue Category 'Parampoke' for CA purpose. The Deputy Commissioner, Bidar District vide Order No. Kam:LND:CR-102/2019-20 dated 26-11-2019 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, Bidar has inspected the said land on 19-10-2019 and has issued CA Land Suitability Certificate. He has also submitted the CA Scheme. As the said land cannot support the required number (1000) of CA plants per hectare, the Deputy Conservator of Forests, Bidar has identified an extent of 74 hectare of degraded forest land in Muttangi Village Sy No. 179 and 184, Nirna Hobli, Humnabad Taluk, Bidar District to plant the remaining number of plants. The CA related documents (*Topo Map, Geo-referenced Map with GPS reading of all corners, CA Scheme and CA Land Suitability Certificate*) are enclosed herewith. They have also been uploaded online in PART-I/II of the proposal. Further, **the User Agency has submitted an Undertaking dated 05-02-2019 to pay the Compensatory Afforestation charges.**

6. **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 05-02-2019 to pay the charges towards Net Present Value (NPV) of the forest land proposed for diversion.**
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 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 the recommendation made by the field officers, it is requested to move the proposal to Government of India for seeking Stage-I (in-principle) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 40.79 hectare of forest land in Dhannur (Sevanagar), Khanapur and 8 other villages in Bhalki, Bidar & Humanabad Taluks of Bidar District for widening of exiting road in Bidar - Humnabad Section (KM 0.000 to KM 101.400) of NH-50 to 2/4-lane with paved shoulders in favour of the Executive

Engineer, Public Works, Ports & Inland Water Transport Department (NH-Division), Kalaburgi for a period of 30 years subject to submission of RoFR Compliance Certificate and the conditions appended in **Annexure 'A'**.

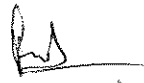
The proforma particulars along with relevant documents in 3 sets are submitted herewith for further action.

Yours Faithfully



Principal Chief Conservator of Forests
(Head of Forest Force)

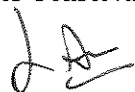
1. Copy to the Chief Conservator of Forests, Kalburgi Circle, Kalburgi for information and necessary action.
2. Copy to the Deputy Conservator of Forests, Bidar Division, Bidar for information and necessary action.
3. Copy to the Executive Engineer, Public Works, Ports & Inland Water Transport Department (NH-Division), H. No. 11/1844, behind SB college Vidya Nagar, Kalaburgi-585103 for information and with a request to obtain 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 (may be downloaded from FC web portal) at the earliest.



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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 Afforestation (CA) charges, cost of extraction of trees, land lease rent and any other levies as per the conditions of approval.
3. The User Agency shall provide for Display Boards of specified dimensions and material at project cost for creating awareness on forest, wildlife and environment issues and speed limits at regular intervals all along the NH stretch within forest limits in consultation with the jurisdictional Deputy Conservator of Forests.
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. 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.


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. <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>	Recommended for diversion of 40.79 hectare of forest land in Dhannur (Sevanagar), Khanapur and 8 other villages in Bhalki, Bidar & Humanabad Taluks of Bidar District for widening of exiting road in Bidar - Humnabad Section (KM 0.000 to KM 101.400) of NH-50 to 2/4-lane with paved shoulders in favour of the Executive Engineer, Public Works, Ports & Inland Water Transport Department (NH-Division), Kalaburgi for a period of 30 years subject to submission of RoFR Compliance Certificate and the conditions appended in Annexure 'A' . [Proposal No. FP/KA/ROAD/33965/2018]
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Signature:



Name:

(Rajiv Ranjan IFS)

Designation: **Additional Principal Chief Conservator of Forests
(Forest Conservation) and Nodal Office (FCA)**

(Official Seal)

Countersigned by :



Name:

(PUNATI SRIDHAR IFS)

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

(Official Seal)

N.D.O. No: 35/2019-20

Date: 10-01-2020