

E-63312

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)



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No: A5(4).GFL.CR.27/2017-18

12/11/2018

(3 Self proposal Enclosed)

14

To,

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

Sir,

Sub : Diversion of 32.28 hectare of forest land in Devasamudra and 9 other villages in Chitradurga Division & District for strengthening and widening of 159.9 km long stretch of existing National Highway (NH-150A) from Ballari (KM 253.6000) to Hiriyr (KM 413.500) in favour of the Deputy General Manager, National Highway Authority of India, Project Implementing Unit, Hospet.

[Proposal No. FP/KA/ROAD/28960/2017]

Ref: 1) Online Proposal dated 02-07-2018 (resubmitted) of the Deputy General Manager, National Highway Authority of India, Project Implementing Unit, Hospet.

2) This office online communication dated 28-07-2018.

3) Letter No. A6/FC/NH-150/CR-08/201/-19 dated 05-10-2018 of the Deputy Conservator of Forests, Chitradurga Division, Chitradurga [online submission of PART-II on 06-10-2018 and reply dated 11-10-2018 to EDS query of Circle office].

4) Letter No. M1/MNG/NHAI/CR-3/2018-19/1441 dated 10-10-2018 of the Chief Conservator of Forests, Ballari Circle, Ballari [Online submission of Part-III on 12-10-2018].

1. Deputy General Manager, National Highway Authority of India, Project Implementing Unit, Hospet vide reference (1) has submitted an online proposal through FC web portal seeking approval for diversion of 32.28 hectare of forest land in Devasamudra and 9 other villages in Chitradurga Division & District for strengthening and widening of 159.9 km long stretch of existing National Highway (NH-150A) from Ballari (KM 253.6000) to Hiriyur (KM 413.500) under Section 2 of the Forest (Conservation) Act, 1980. After uploading of acknowledgement of delivery of hard copy of the proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner by User Agency on 20-07-2018, an online communication was made by the Nodal Officer vide reference (2) to the Deputy Conservator of Forests, Chitradurga Division, Chitradurga for further processing of the application under FC Act.

2. The village survey number-wise details of the forest land required for the project are as under:

District	Taluk	Hobli	Village	Sy No.	Extent (ha)	Village wise total (ha)	Status of Land
1	2	3	4	5	6	7	8
Chitradurga	Molakalmuru	Devasamudra	Devasamudra	32	5.1608	5.1933	Deemed Forest
				33	0.0325		Santhebande RF
			Gowrasamudra	69	0.1291	0.1291	Deemed Forest
		Kasaba	Guddadahalli	50	0.8702	0.8702	Deemed Forest
			Hanagal	30	0.3456	1.9728	Deemed Forest
				55	0.5689		Deemed Forest
				88	0.1681		Deemed Forest
				102	0.8902		Deemed Forest
			Adavimallapura	8	0.6722	2.2204	Kamara Kaval RF
				9	1.5482		Kamara Kaval RF
			Kamara Kaval	1	13.3415	13.3415	Kamara Kaval RF
			Tumakurlahalli	38	2.1575	2.1575	Kamara Kaval RF
			Bommagondanakere	23	1.8378	5.632	Kamara Kaval RF
				24	3.7942		Kamara Kaval RF
	Challakere	Taluku	Obbanahalli Kavalu	88	0.0698	0.0698	Obbanahalli RF
		Kasaba	Kasaba Challekere	271	0.1039	0.6933	Challekere RF
				272	0.2702		Challekere RF
				273	0.3192		Challekere RF
Total						32.28	

The component wise breakup of the forest land required is as under:

Name of Project Component	Forest land required (ha)
Main Carriageway	9.921
Service Road	0.5648
Drain	3.5405
Utility Corridor	2.3253
Future Widening*	15.9281
Total	32.28

**Note: The User Agency vide letter dated 31-10-2018 (Copy enclosed) has submitted the following clarification vide letter no. email on 2-11-2018 regarding 'Future Widening' Component.*

"The minimum width of RoW (Right of Way) is 60 meter, ie., 30 meter on both sides of central line of Highway. Hence the minimum width of 60 meter is to be acquired all along the Highway project irrespective of reaches of provision of service roads. For the length proposed in forest area, since no human settlements are there, no service roads are proposed at present. Hence some area is remaining vacant. This left over area in between the Utility Corridor at the extreme edge 30 meter from central line of Highway and the main Carriageway will be utilized for provision of service roads and widening of 4-lane to 6-lane in future at any time based on traffic count. Hence it is not possible to provide Utility corridor without the space for future service roads in this area. The unreconstructed part of the land proposed for diversion is essentially required for the project at present and for future widening also.

Exclusion of the 15.9281 ha from the present proposals will make the project road incomplete as the Utility Service to be laid after the free surface after main carriageway as part and parcel of the highway project.

The component of 15.9281 ha of land is included for the present construction provision including the Utility Services after the free surface from main carriageway and hence it cannot be avoided from the proposal."

4. DCF, Chitradurga Division Report: The Deputy Conservator of Forests, Chitradurga Division has inspected the site on 28-07-2018 and has recommended the proposal while furnishing the following details in PART-II vide reference (3).

- The requirement of forest land proposed by the User Agency is bare minimum and unavoidable for the project.
- The proposed forest area has a density of 0.1 and is in Eco-Class-III.
- As per Item 4(ii) of PART-II, there are 663 trees of various species like *Albizia amara*, *Hardwickia binnata*, *Zizyphus jujuba*, *Aegle marmelos*, *Pongamia pinnata*, *Azadirachta indica*, etc. in 31-60 cm

and above girth classes. If the lower girth class of 0-30 cm is also added, the number becomes 965.

- d. The wild animals present in and around the forest land proposed for diversion include the black buck, hare, porcupine, leopard, etc.
 - e. There are no rare / endangered / unique species of flora and fauna in the proposed area.
 - f. There are no protected / archaeological / heritage sites or defense establishments or important monuments in the area.
 - g. The proposed forest area does not form part of any Wildlife Sanctuary, National Park, Biosphere Reserve, Tiger Reserve or Elephant Corridor, etc.
 - h. There is no violation reported under Forest (Conservation) Act, 1980.
5. **CCF, Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle, has not inspected the site, but has agreed with the recommendation made by the Deputy Conservator of Forests, Chitradurga Division and has recommended the proposal vide his report and PART-III cited at reference (4).
6. **Compensatory Afforestation (CA):** As per Para 3.2(ix) of the FC Guidelines issued by Government of India, MoEF, the project being a central government scheme is exempted from requirement of non-forest land for compensatory afforestation purpose and degraded forest land of twice the extent may be proposed. Accordingly, the Deputy conservator of Forest, Chitradurga Division has identified an extent of 66.06 hectare of degraded forest land in Sy no. 1 of Kamarada Kaval Reserved Forest & Village, Kasba Hobli, Malkalamuru Taluk, Chitradurga District in the form of two parcels of 30.06 ha and 36 ha. The DCF Chitradurga has enclosed the suitability certificate for the proposed CA land. He has also uploaded the Topo Map, Geo-referenced Map, KML file and CA scheme for the proposed CA land.
7. **Net Present Value (NPV):** The User Agency is required to pay Net Present Value (NPV) for 32.28 hectare of forest land proposed for diversion as per Orders dated 28-3-2008 and 9-5-2008 of the Hon'ble Supreme Court of India in I.A.No.826 in I.A.566 in WP(C) No. 202/1995 and the GOI FC guidelines issued vide F.No. 5-3/2007 FC Dated 05-02-2009. **The User Agency has submitted an Undertaking to pay the Net Present Value.**
8. **ROFR Certificate:** The User Agency has not enclosed the Certificate of compliance in FORM-I (Linear Projects) under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act, 2006 and Rules 2008 issued by Deputy Commissioner as per guidelines issued by GOI, MOEF&CC, New Delhi vide F.No. 11-9/ 1198-FC (Pt) dated 05-07-2013. However, it **has given an Undertaking to obtain and**

submit the ROFR Certificate. The User Agency is being informed to submit the said certificate

Under the above circumstances and agreeing with the recommendation of the field officers, it is requested to consider the proposal for Stage-I (in-principle) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 32.28 hectare of forest land in Devasamudra and 9 other villages in Chitradurga Division & District for strengthening and widening of 159.9 km long stretch of existing National Highway (NH-150A) from Ballari (KM 253.6000) to Hiriyur (KM 413.500) in favour of the Deputy General Manager, National Highway Authority of India, Project Implementing Unit, Hospet for a period of 30 years, subject to 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), Bengaluru

Copy to the Chief Conservator of Forests, Ballari Circle, Ballari for information and necessary action.

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

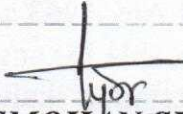
Copy to the Deputy General Manager, National Highway Authority of India, Project Implementing Unit, Hospet for information and with a request to obtain and the submit the RoFR certificate in original.

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ದಿನಾಂಕ 14-11-18

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 diversion of 32.28 hectare of forest land in Devasamudra and 9 other villages in Chitradurga Division & District for strengthening and widening of 159.9 km long stretch of existing National Highway (NH-150A) from Ballari (KM 253.6000) to Hiriyur (KM 413.500) in favour of the Deputy General Manager, National Highway Authority of India, Project Implementing Unit, Hospet [Proposal No. FP/KA/ROAD/28960/2017] subject to the conditions appended in Annexure-'A'.
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Signature:	
Name:	JAGMOHAN SHARMA IFS
Designation:	Ad. PRINCIPAL CHIEF CONSERVATOR OF FORESTS

(Official Seal)

Countersigned by :	
Name:	PUNATI SRIDHAR IFS
Designation:	Principal Chief Conservator of Forests (Head of Forest Force), Karnataka

(Official Seal)

N.D.O. No: **18** /2018-19.

Date: **14** -~~10~~¹¹-2018.



ANNEXURE 'A'

1. The legal status of Forest land shall remain unchanged and it shall continue to be forest land.
2. The lease tenure is for a period of 30 (Thirty) years.
3. The lessee shall pay lease rent as fixed by the Government from time to time
4. 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 one year or when it is no longer needed for the stipulated purpose, the area should be resumed to the Forest Department.
5. In case, any violation is reported during the lease period, the lease shall be forfeited 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.
6. No residential buildings shall be permitted in the forest area proposed for

diversion.

7. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
8. Compensatory Afforestation shall be raised at the cost of User Agency over double the extent of diverted forest land at the rate prevailing at the time of approval.
9. The User Agency has to pay the Net Present Value (NPV) of forest land diverted under this proposal as per Orders dated 28-3-2008 and 9-5-2008 of the Hon'ble Supreme Court of India.
10. The User Agency shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
11. Demarcation of the proposed area shall be carried out appropriately at the cost of user agency.
12. No crushing / breaking of stones shall be allowed inside forest area.
13. No labour camp shall be established on the forest land.
14. The User Agency shall pay the cost of extraction of trees as estimated by the Department (Deputy Conservator of Forests).
15. All waste / debris generated shall be scientifically disposed off outside the forest area.
16. Any damage to forest area due to implementation of the proposal shall be compensated by the User Agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
17. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
18. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
19. The User Agency shall also abide by all the conditions herein or fresh conditions imposed by Government of India, Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force).
20. The User Agency shall provide the Underpasses on the stretches passing through forest land wherever deemed necessary for safe movement of wild animals.
21. The User Agency shall provide Sign Boards of appropriate sizes and colour at regular intervals in consultation with the jurisdictional Deputy Conservator of Forests regarding the speed limit in the stretches passing through forest areas.


Principal Chief Conservator of Forests
(Head of Forest Force)