

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)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,

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E-71540

Date: 08-08-2019

To,

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

Sir,

Sub: Diversion of 3.155 hectare of forest land in Anagodu village Sy No. 130, 131 & 132 and Hulupinakatte village Sy No. 43 44 & 45, both in Anagodu Hobli, Davanagere Taluk & District (Davanagere Forest Division) for rehabilitation and up-gradation of existing 4/6 lane to six laning with service road from Chitradurga to Davanagere Section of NH-48 (old NH-04) in favour of the Deputy General Manager (T) & Project Director, National Highway Authority of India (NHAI), Project Implementation Unit (PIU), Chitradurga. **Proposal No. FP/KA/ROAD/21015/2016**

Ref: 1. Online Proposal [FORM-A PART-I] dated 14-01-2019 (re-submitted) of the Deputy General Manager (T) & Project Director, NHAI, PIU Chitradurga r/w uploading of 'Acknowledgement' on 07-02-2019 for having delivered hard copy of the proposal to jurisdictional DCF & DC.
2. This office online communication dated 12-02-2019 to DCF(s), Davanagere & Chitradurga Divisions.
3. Online submission of PART-II by Deputy Conservator of Forests, Davanagere Division on 17-05-2019 to Circle Office [Letter No. A2/Land/NH-4/CR-/2009-10 dated 12-04-2019].
4. Online submission of PART-II by Deputy Conservator of Forests, Chitradurga Division on 27-06-2019 to Circle Office [Letter No. A6/NH/CTA to DVG/CR-13/2018-19/967].
5. Online submission of PART-III by Chief Conservator of Forests, Ballari Circle on 01-07-2019 to Nodal Officer [Letter No. M1/MNG/NHAI/CR-1/2019-20 dated 16-07-2019].

1. The Deputy General Manager (T) & Project Director, National Highway Authority of India (NHAI), Project Implementation Unit (PIU), Chitradurga [USER AGENCY] vide reference (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 3.155 hectare of forest land in Anagodu village Sy No. 130, 131 & 132 and Hulupinakatte village Sy No. 43 44 & 45, both in Anagodu Hobli, Davanagere Taluk & District (Davanagere Forest Division) for rehabilitation and up-gradation of existing 4/6 lane to six laning with service road from Chitradurga to Davanagere Section of NH-48 (old NH-04). After acceptance of the proposal by Nodal Officer, the User Agency has delivered the hard copies of the proposal to Deputy Conservator(s) of Forests, Davanagere & Chitradurga Divisions and Deputy Commissioner, Davanagere District and has uploaded the 'Acknowledgment' on the FC web portal on 07-02-2019. Accordingly, an online communication was made by Nodal Officer vide reference (2) to the Deputy

Conservators of Forests, Davanagere & Chiradurga Divisions for further processing of the proposal under FC Act.

2. **Location wise breakup of forest land:** The location details and breakup of the forest land required for the project are given below.

| District, Taluk, Hobli | Village | Sy No. | LHS/ RHS | Chainage (km) | | Forest area proposed to be diverted (ha) | Legal status of land |
|--|-------------------|---------------------------------|-------------|---------------|---------|---|---|
| | | | | From | To | | |
| Davanagere District, Davanagere Taluk, Anagodu Hobli, | Anagodu | 132 | LHS | 241+600 | 241+940 | 0.307 | Unclassed Forest and also Section 4 notified vide G.O. No. FEE 208 FAF 2014 dtd 04-10-2017 |
| | | 131 | | 241+940 | 242+410 | 0.426 | |
| | | 130 | | 242+410 | 243+015 | 0.569 | |
| | | Total-A (Anagodu village) | | | | 1.302 | |
| | Hulapanakatte | 45 | RHS | 241+600 | 242+035 | 0.643 | Deemed Forest under custody of Forest Department/ Shendi Vana |
| | | 44 | | 242+035 | 242+220 | 0.290 | |
| | | 43 | | 242+220 | 242+835 | 0.920 | |
| | | Total-B (Hulapanakatte village) | | | | 1.853 | |
| | Grand Total (A+B) | | | | | | 3.155 |

[Note: There is no forest land involved in Chitradurga District/Division as per PART-II submitted by the Deputy Conservator of Forests, Chitradurga Division.]

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

| S. No. | Components | | Length (m) | Width (m) | No. of structures | Forest Area (ha) | |
|--------|-------------------------------|--------------------------------|------------|-----------|-------------------|------------------|-----------|
| 1 | Cattle / Pedestrian Underpass | | 12 | 5.53 | 1 | 0.006636 | |
| 2 | Minor Bridge | | 16 | 18.315 | 2 | 0.058608 | |
| 3 | Culvert | | 3.28 | 18.3 | 2 | 0.0120048 | |
| | | | | | | | |
| 4 | Road | Main Carriage Way Road | 1294 | 5.003 | 1 | 0.6473882 | |
| | | Re/Toe Wall | 1294 | 0.6 | 1 | 0.07764 | |
| | | Service Road | 1294 | 5.5 | 1 | 0.7117 | |
| | | Drain with Footpath | 1294 | 1.5 | 1 | 0.1941 | |
| | | Road Sub Total (A)- RHS | | | | | 1.6308282 |
| | | Main Carriage Way Road | 1144 | 5.048 | 1 | 0.5774912 | |
| | | Re/Toe Wall | 1144 | 0.6 | 1 | 0.06864 | |
| | | Service Road | 1144 | 5.5 | 1 | 0.6292 | |
| | | Drain with Footpath | 1144 | 1.5 | 1 | 0.1716 | |
| | | Road Sub Total (B)-LHS | | | | | 1.4469312 |
| | | Road Total (A + B) | | | | | 3.0777594 |
| | | Grand Total (Component 1 to 4) | | | | | 3.155 |

4. **DCF, Davanagere Division Report:** The Deputy Conservator of Forests, Davanagere Division, Davanagere has inspected the site on 12-04-2019 and vide reference (3) has submitted his report along with recommendation in PART-II to the Chief Conservator of Forests, Ballari Circle. The main features of the proposal as per the DCF report r/w report of CCF, Ballari Circle & that of ICT Centre of Forest Department are summarized below.

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- a. The forest land proposed for diversion is in general landscape of Eco-class-III with a canopy density of 0.3.
- b. The forest land proposed for diversion is vulnerable to soil erosion. Hence, the User Agency is required to provide proper drainage in the area.
- c. As per Item 4(ii) of PART-II, there are 460 trees in the forest land proposed for diversion. Major species include *Eucalyptus sps*, *Acacia catechu*, *Leucaena leucocephala*, *Cassia siamea*, *Acacia nilotica*, *Dalbergia sissoo* and *Tamarindus indica*.
- d. There are no major wild animals reported in and around the forest land proposed for diversion.
- e. There are no rare/ endangered/ unique species of flora and fauna reported in the forest land proposed for diversion.
- f. 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.
- g. 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.
- h. The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of Protected Area notified under Wildlife (Protection) Act, 1972.
- i. There are no Protected/ Archaeological/ Heritage Sites or Defence Establishment 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.


5. **DCF, Chitradurga Division Report:** The Deputy Conservator of Forests, Chitradurga Division, Chitradurga has inspected the site on 25-06-2019 and submitted the PART-II of the proposal to the Chief Conservator of Forests, Ballari Circle vide reference (4). It is reported in PART-II that there is no forest land involved in Chitradurga Division, but the forest land proposed for diversion is located within Eco-Sensitive Zone (ESZ) of Jogimatti Wildlife Sanctuary.
6. **CCF, Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has not inspected the site. However, he has agreed with the recommendation of the Deputy Conservator of Forests, Davanagere and has recommended the proposal. Specific comments of the Chief Conservator of Forests, Ballari Circle are mentioned in PART-III of the proposal cited at reference (4) above.
7. **Compensatory Afforestation (CA):** In accordance with the special provisions laid in Para 2.5(i)(f) of the latest FC Guidelines of Government of India communicated vide letter F.No. 5-2/2017-FC dated 28-03-2019, the User Agency being a Central Government Agency implementing a Central Government Project, is exempted from providing non-forest land for CA purpose and CA can be raised on degraded forest land twice in extent. Accordingly, the Deputy Conservator of Forests, Davanagere Division, Davanagere has identified an extent of 6.50 hectare of degraded forest land in Sy No.133 of Anagodu village, Anagodu Hobli, Davanagere Taluk and District for raising compensatory afforestation. The DCF Davanagere Division has submitted the CA scheme and the maps

of the proposed CA land. The User Agency has submitted an 'Undertaking' to pay the Compensatory Afforestation charges.

8. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) for 3.155 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 latest FC Guidelines communicated by the Government of India vide letter F.No. 5-2/2007-FC dated 28-03-2019. The User Agency has submitted an 'Undertaking' to pay the Net Present Value.
9. **RoFR Certificate:** The User Agency has not obtained and submitted the certificate of compliance in **FORM-II (for Linear projects)** as per the latest FC Guidelines communicated by the Government of India vide letter F.No. 5-2/2007-FC dated 28-03-2019. However, it has given an 'Undertaking' to obtain and submit the ROFR Certificate. The User Agency is being informed to submit the said certificate required for Stage-II approval.
10. **Eco Sensitive Zone:** As per the Deputy Conservator of Forests, Chitradurga Division Report, the proposed road alignment passes through Eco-Sensitive Zone of Jogimatti Wildlife Sanctuary. As per the information furnished by User Agency in Item H of PART-I of the proposal, the project does not require the Environmental Clearance. However, the User Agency may be required to obtain the consent of the Regional ESZ Monitoring Committee depending on categorization of the project activity in the ESZ Notification.

Under the above circumstances and agreeing with the recommendation of 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 3.155 hectare of forest land in Anagodu village Sy No. 130, 131 & 132 and Hulupinakatte village Sy No. 43 44 & 45, both in Anagodu Hobli, Davanagere Taluk & District for rehabilitation and up-gradation of existing 4/6 lane to six laning with service road from Chitradurga to Davanagere Section of NH-48 (old NH-04) in favour of the Deputy General Manager (T) & Project Director, National Highway Authority of India (NHAI), Project Implementation Unit (PIU), Chitradurga for a period of 25 years subject to submission of RoFR Compliance Certificate and 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 necessary action.


ರವಾನಿಸಲಾಗಿದೆ

ದಿನಾಂಕ: 14-8-2019

Yours Faithfully



Principal Chief Conservator of Forests
(Head of Forest Force)

4-1 Spm
Copy to:

1. The Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. The Deputy Conservator of Forests, Davanagere Division, Davanagere for information.
3. The Deputy Conservator of Forests, Chitradurga Division, Chitradurga for information.
4. The Deputy General Manager (Technical) & Project Director, National Highway Authority of India, Project Implementation Unit (PIU), Near J.M.I.T., NH-48 (Old NH-4), Km.202, Chitradurga-577 502 for information and with a request to obtain and submit the RoFR Compliance Certificate (in original) as mentioned above at the earliest. It is also to be ensured that the project work in forest land is not undertaken with FC approval.

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 and wildlife 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)*

| | |
|--|---|
| <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 3.155 hectare of forest land in Anagodu village Sy No. 130, 131 & 132 and Hulupinakatte village Sy No. 43 44 & 45, both in Anagodu Hobli, Davanagere Taluk & District (<i>Davanagere Forest Division</i>) for rehabilitation and up gradation of existing 4/6 lane to six laning with service road from Chitradurga to Davanagere Section of NH-48 (<i>old NH-04</i>) in favour of the Deputy General Manager (T) & Project Director, National Highway Authority of India (NHAI), Project Implementation Unit (PIU), Chitradurga for a period of 25 years subject to submission of RoFR Compliance Certificate and the conditions appended in Annexure 'A'.</p> <p>[Proposal No. FP/KA/ROAD/21015/2016]</p> |
|--|---|

Signature:

Name:

Designation:



(JAGMOHAN SHARMA IFS)

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

(Official Seal)



Countersigned by :

Name:

Designation:



(PUNATI SRIDHAR IFS)

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

(Official Seal)

N.D.O. No: 10/2019-20

Date: 14-08-2019

