

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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E-file No. KFD/HOFF/A5-6(GFL)/5/2021-FC-KFD
Encl: 3 sets of hard copies

E-527456 ✓
Date 08-02-2022
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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 0.06 hectare of forest land in Benavalli Village, Shivamogga District (Shivamogga Forest Division) for construction of low-cost ROB & Birur-Talguppa section grade separator at Km 105/100-200 & Km 133/700-800 in favour of Assistant Divisional Engineer, Shivamogga
Proposal No. FP/KA/ROAD/142140/2021

- Ref:**
1. Online proposal [FORM-A PART-I] dated 07-10-2021 (resubmitted) of the Assistant Divisional Engineer, Shivamogga.
 2. This office online communication dated 20-12-2021 to Deputy Conservator of Forests, Shivamogga for further processing of the proposal
 3. Online submission of PART-II by Deputy Conservator of Forests, Shivamogga on 27-01-2022 [letter No. B4/Land (Mojani)/GL-11460/2021-22(1612) dated 28-01-2022]
 4. Online submission of PART-III by Chief Conservator of Forests, Shivamogga on 03-02-2022 [letter No. A11/FC/ROAD/142140/2021-22 dated 03-02-2022]

The Assistant Divisional Engineer, ADEN Office, near Shivamogga Railway Station, Shivamogga District, as authorized applicant [USER AGENCY] has (re)submitted an online proposal [FORM-A PART-I] vide ref (1) on 07-10-2021 seeking approval under the Forest (Conservation) Act, 1980 for diversion of 0.06 hectare of forest land in Benavalli Village, Shivamogga District (Shivamogga Forest Division) for construction of low-cost ROB & Birur-Talguppa section grade separator at Km 105/100-200 & Km 133/700-

800. The same was accepted by Nodal Officer (FCA) on 08-11-2021 for further processing. After receiving the acknowledgement online on 15-12-2021 for having delivered the hard copies of the proposal by the User Agency to the jurisdictional Deputy Conservators of Forests & Deputy Commissioners, the online link was forwarded by this office vide ref (2) to the Deputy Conservator of Forests, Shivamogga for field verification and further processing under Section 2 of the Forest (Conservation) Act, 1980.

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

District, Taluk, Hobli	Village	Sy No.	Forest Land proposed for diversion (ha)	Status of Land
Shivamogga District, Hosanagara Taluk, KerehalliHobli	Benavalli	14	0.06	Reserved Forest
Total			0.06	

- 2. DCF, Shivamogga Division Report:** The Deputy Conservator of Forests Shivamogga has inspected the spot on 10-01-2022 & 22-01-2022 and has submitted the site inspection report, the details of the area along with the recommendation in the form of PART-II of the proposal vide ref (3) to Chief Conservator of Forests, Shivamogga. Main features of the proposal based on the DCF Shivamogga Report r/w the report of the CCF, Shivamogga and that of the ICT Centre of Forest Department are as follows.

- a. The forest land proposed for diversion is in general landscape of Eco-Class-II with low Dense Forest (0.2 canopy density).
- b. As per Item 4 (ii) of PART-II, there are no trees to be felled on the forest land proposed for diversion.
- c. Major wild animals present in and around the project area include the spotted deer, wild hare etc. [Note: The entry made in Item 8(i)) may be read accordingly.]
- d. There are no other rare / endangered / unique species of flora and fauna reported around the forest area proposed for diversion.
- e. As per the DCF, Shivamogga report, the forest land proposed for diversion falls within the default eco-sensitive zone (ESZ) of

Shettihalli Wildlife Sanctuary, but, the impact of this project is negligible.

- f. There are no protected/ archeological/ heritage sites/ defence establishments located in the proposed area.
- g. The forest area proposed for diversion is the bare minimum and unavoidable.
- h. There is no violation reported under Forest (Conservation) Act, 1980.

3. **CCF, Shivamogga Circle Report:** The Chief Conservator of Forests, Shivamogga has inspected the proposed area personally on 03-02-2022 and vide ref (4) has submitted site inspection report in PART-III online. Agreeing with the recommendation made by the Deputy Conservator of Forests, Shivamogga, the Chief Conservator of Forests, Shivamogga has also recommended the proposal.
4. **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 17-11-2021) to pay the charges towards Net Present Value (NPV) of the forest land proposed for diversion.**
5. **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). Even though there are no trees on forest land reported in Item 4(ii) of PART-II of the proposal, **the User Agency will have to make payment in accordance with the O.M. issued vide E-office File No. KFD/HOFF/A53(GFL)/34/2019-FC [E-88289] dated 19-04-2021 of the Principal Chief Conservator of Forests (Head of Forest Force) for any tree felling required for the purpose of execution of the project. The User Agency has submitted an undertaking dated 17-11-2021 to pay the compensatory plantation charges.**
6. **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.**

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to consider moving to Government of India seeking 'in-principle' (Stage-I) approval under Forest (Conservation) Act, 1980 for diversion of 0.06 hectare of forest land in Benavalli Village, Shivamogga District (Shivamogga Forest Division) for construction of low-cost ROB & Birur-Talguppa section great separator at Km 105/100-200 & Km 133/700-800 in favour of Assistant Divisional Engineer, Shivamogga for a period of Twenty (20) years and subject to the production of RoFR certificate in FORM-I 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 and also subject to 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.


Yours faithfully

(Sanjai Mohan IFS) 

Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

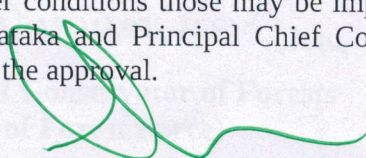
1. Chief Conservator of Forests, Shivamogga Circle Sirsi for information.
2. Deputy Conservator of Forests, Shivamogga Division, Shivamogga for information
3. Assistant Divisional Engineer, ADEN Office, Near Shivamogga Railway Station, Shivamogga – 577 201 for information and further action to obtain and produce the RoFR certificate in FORM-I (for linear projects) 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.


17-2-2022

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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 shall demarcate the lease area in the manner specified at the time of approval at its own cost.
4. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
5. 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.
6. 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.
7. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
8. 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.
9. 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.
10. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
11. No change in Land Use Plan shall be done unless prior approval of Government of India under FC Act is obtained.
12. 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.
13. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
14. 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.

(Sanjai Mohan IFS) 
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. (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 0.06 hectare of forest land in Benavalli Village, Shivamogga District (Shivamogga Forest Division) for construction of low-cost ROB & Birur-Talguppa section grade separator at Km 105/100-200 & Km 133/700-800 in favour of Assistant Divisional Engineer, Shivamogga for a period of Twenty (20) years and subject to the production of RoFR certificate in FORM-I 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 and also subject to conditions appended in Annexure 'A'. Proposal No. FP/KA/ROAD/142140/2021
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Signature:

Name:

(RAJIV RANJAN, IFS)

Designation:

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

Signature:

Name:

(SANJAI MOHAN, IFS)

Designation:

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

N.D.O. No. 52/2021-22

(Official Seal)

Dated 17/02/2022