

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

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E-office File No. KFD/HoFF/A5-4(GFL)/83/2019-FC

E-129979

Enclosures :- 3 Sets

Date 17-01-2022

To,

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

Sir,

Sub: Re-diversion of 0.602 hectare of forest land in Sy No. Porampoke and 81 Kabeerabad Village, Sy No. 328 and 329 Anaduru Village, Sy No. 87 Byalahalli Village in Humnabad, Bidar and Bhalki Taluks, Bidar District for 203mm, 152mm, 101mm diameter steel gas pipeline from Reliance Gas Transportation Infrastructure Limited Terminal CVS-05 at Jalsingi along NH-50 within Right of Way (RoW) to Bidar in favour of M/s Bharat Gas Resources Limited, 5th Floor, The IL&FS Centre, Plot C-22, G-Block, Bandra Kurla Complex (E), Mumbai [SECONDARY USER AGENCY] from the already diverted forest land of National Highway Authority of India [PRIMARY USER AGENCY]

Proposal No.: FP/KA/Pipeline/47297/2020 [Form-A]

- Ref:**
1. Government of India, Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Bengaluru letter No. 4-KRC 1243/2020/BAN/1006 dated 28-12-2020 [Stage-I approval for 20.0724 ha in favour of NHAI]
 2. Government of Karnataka letter No. FEE 17 FLL 2020 dated 22-01-2020 [communication of Stage-I approval]
 3. Online Proposal [FORM-A PART-I] dated 17-11-2021 (re-submitted) of the Bharat Gas Resources Limited, Mumbai r/w uploading of Acknowledgement on 14-12-2021 for having delivered the hard copies of the proposal to jurisdictional Deputy Conservators of Forests & Deputy Commissioner
 4. This office online communication dated 17-1-2021 to Deputy Conservators of Forests, Bidar Division for further processing

5. Online submission of PART-II by Deputy Conservator of Forests, Bidar Division on 21-12-2021 [Letter No. KFD-BDRDOA5(SY)/37/2021 dated 20-12-2021]
 6. Online submission of PART-III by Chief Conservator of Forests, Kalburagi Circle on 03-01-2022 to Nodal Officer [Letter No. A4/FC/F.La/BH.GA/Release/CR-20/2021-22 dated 03-01-2022]
1. The Government of India vide ref (1) had accorded in-principle Stage-I approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 20.0724 hectare (*revised from originally proposed 40.79 ha*) of forest land in Dhannur (Sevanagar), Khanapur and 8 other villages in Bhalki, Bidar and Humnabad 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), Kalburgi [PRIMARY USER AGENCY]. Accordingly, the Government of Karnataka vide ref (2) communicated Stage-I approval to this office. Further, the compliance report for conditions stipulated in Stage-I approval is yet to be submitted by User Agency for further submission to Government of India for accordance of Stage-II approval.
 2. M/s Bharat Gas Resources Limited, Mumbai [SECONDARY USER AGENCY] vide ref (3) 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 re-diversion of 0.602 hectare of forest land in Sy No. Porampoke and 81 Kabeerabad Village, Sy No. 328 and 329 Anaduru Village, Sy No. 87 Byalahalli Village in Humnabad, Bidar and Bhalki Taluks, Bidar District. After acceptance of the proposal by Nodal Officer for further processing, the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Bidar Division & Deputy Commissioner, Bidar District and has uploaded the acknowledgment on the web portal on 14-12-2021. Accordingly, an online communication was made by Nodal Officer vide ref (4) to the Deputy Conservator of Forests, Bidar Division, Bidar for further processing of the proposal under FC Act.
 3. **Location details and Component-wise breakup of forest land requirement:** The details of the location of forest land and component wise requirement are given below.

District	Taluk	Hobli	Village	Sy. No	Forest extent proposed for diversion (ha)	Legal Status of Land
Bidar,	Bhalki	Halabarga	Byalahalli	58/1	0.0859	Protected Forest*
	Bidar	Kamatana	Anaduru	328	0.2519	Section 4 notified**
				329	0.0308	District Forest
				81	0.1927	Deemed Forest
	Humnabad	Hallikhed	Kabirabad	Parampoke	3.1642	Deemed Forest
				Grand Total		

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

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

Component wise breakup of the forest land requirement for the project is given below.

Name of component	Diameter (mm)	Length x width (meter)	Forest extent proposed for diversion (ha)
Steel Gas Pipeline	203 mm / 152 mm/ 101 mm	6020 x 1	0.602
Total			0.602

4. **DCF, Bidar Division Report:** The Deputy Conservator of Forests, Bidar Division, Bidar has inspected the site on 17-12-2021 and vide ref (5) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Kalburgi Circle. Based on the Deputy Conservator of Forests, Bidar report r/w report of CCF, Kalburgi Circle & that of ICT Centre of Forest Department the main features of the proposal are summarized below.

- a. The forest land proposed for diversion is in general landscape of Eco-class IV (Tropical Thorn Forest) with Open Forest (Canopy Density of <0.4).
- b. The forest land proposed for diversion is all along the NH-50 and as there are no steep slope along the length of the road, the proposed area is not prone to soil erosion.
- c. Major wild animals present in and around the project area include the black buck, common langur, wild pig, jackal, langur, peafowl, etc.
- d. There are no other rare / endangered / unique species of flora and fauna reported in the forest land proposed for diversion.
- e. 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.
- f. The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
- g. There are no protected/ archaeological/ heritage sites or defence establishments or important monuments in the area.
- h. There is no violation reported under Forest (Conservation) Act, 1980.
- i. The requirement of forest land for the project is bare minimum and unavoidable.

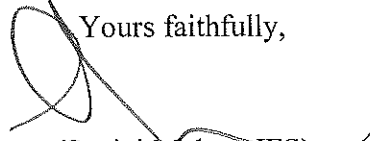
5. **CCF, Kalburgi Circle Report:** The Chief Conservator of Forests, Kalburgi Circle has inspected the site on 03-01-2022. Agreeing with the recommendation of the Deputy Conservator of Forests, Bidar Division, the Chief Conservator of Forests, Kalburgi Circle has recommended the proposal. Specific comments of the Chief Conservator of Forests, Kalburgi Circle are mentioned in PART-III of the proposal cited at ref (6) above.

6. **Compensatory Afforestation (CA):** Present proposal involves diversion of within one hectare of forest land. The latest FC Guidelines are silent on the requirement of equivalent extent of non-forest land for the FC proposals involving diversion of forest land up to one hectare. However, Para 3.2(viii) of the immediately previous FC Guidelines exempted such proposals from requirement of raising CA. Therefore, the present FC proposal may also be exempted from the requirement of raising CA. However, Para 2.6 (i) of the latest FC guidelines mentioned above mandates that the cost of plantation (including ten years maintenance) of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum number of 100 plants) shall be levied from the User Agency towards Compensatory Planting. Even though there are no trees on forest land reported in Item 4(ii) of PART-II of the proposal, **the User Agency will be required to pay the applicable charges in accordance with the PCCF (HoFF) O.M. KFD/HOFF/A5-3(GFL)/34/2019-FC [E-88289] dated 19-05-2021, in case it is required to fell a tree in forest land. The User Agency has already submitted an undertaking to pay such charges.**
7. **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 revised charges as per the latest revised order issued vide 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. The User Agency has submitted an undertaking to pay the Net Present Value (NPV) of the forest land proposed for diversion.**
8. **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.**
9. **Consent of Primary User Agency for re-diversion of forest land:** In accordance with the provisions of Para 5.6 of the FC Guidelines, the instant User Agency [SECONDARY USER AGENCY] has obtained the consent of the National Highway Authority of India [PRIMARY USER AGENCY] vide letter No. RW/BNG/PER.CASES/GLB.DVN/2015 dated 21-04-2021 and uploaded it in additional information details in PART-I of the proposal.

Under the above circumstances and in concurrence with the recommendation of the field officers, **it is requested to move the proposal with the Government of India for**

according 'in-principle' (Stage-I) approval for re-diversion of 0.602 hectare of forest land in Sy No. Porampoke and 81 Kabeerabad Village, Sy No. 328 and 329 Anaduru Village, Sy No. 87 Byalahalli Village in Humnabad, Bidar and Bhalki Taluks, Bidar District for 203mm, 152mm, 101mm diameter steel gas pipeline from Reliance Gas Transportation Infrastructure Limited Terminal CVS-05 at Jalsingi along NH-50 within Right of Way (RoW) to Bidar in favour of M/s Bharat Gas Resources Limited, 5th Floor, The IL&FS Centre, Plot C-22, G-Block, Bandra Kurla Complex (E), Mumbai [SECONDARY USER AGENCY] from the already diverted forest land of National Highway Authority of India [PRIMARY USER AGENCY] for a period of 20 years subject to submission of RoFR Compliance Certificate in FORM-I (for linear projects) and the conditions appended in Annexure 'A'.

The hard copy of the proposal along with the relevant documents in 3 sets are 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)

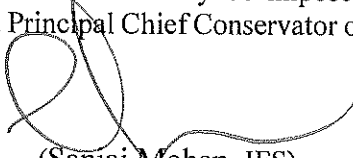
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Copy to the:

1. Chief Conservator of Forests, Kalburgi Circle, Kalburgi for information and necessary action.
2. Deputy Conservator of Forests, Bidar Division, Bidar for information with instructions to submit the compensatory suitability certificate (in original) and GPS reading of uploaded KML of CA land as mentioned above at the earliest.
3. M/s Bharat Gas Resources Limited, 5th Floor, the IL&FS Centre, Plot C-22, G-Block, Bandra Kurla Complex (E), Mumbai – 400 051 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) and submitted at the earliest.

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18-1-2022
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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. <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 re-diversion of 0.602 hectare of forest land in Sy No. Porampoke and 81 Kabeerabad Village, Sy No. 328 and 329 Anaduru Village, Sy No. 87 Byalahalli Village in Humnabad, Bidar and Bhalki Taluks, Bidar District for 203mm, 152mm, 101mm diameter Steel Gas pipeline from Reliance Gas Transportation Infrastructure Limited Terminal CVS-05 at Jalsingi along NH-50 within Right of Way (RoW) to Bidar in favour of M/s Bharat Gas Resources Limited, 5th Floor, The IL&FS Centre, Plot C-22, G-Block, Bandra Kurla Complex (E), Mumbai [SECONDARY USER AGENCY] from the already diverted forest land of National Highway Authority of India [PRIMARY USER AGENCY] for a period of 20 years subject to submission of RoFR Compliance Certificate in FORM-I (for Linear projects) and the conditions appended in Annexure 'A'. [Proposal No. FP/KA/Pipeline/47297/2020]
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Signature:



Name:

(RAJIV RANJAN IFS)

Designation:

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

(Official Seal)

Countersigned by :



Name:

(SANJAI MOHAN IFS)

Designation:

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

(Official Seal)

N.D.O. No: 41/2021-22

Date: 18-01-2022

