

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

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



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Old File No: A5(4).GFL.CR.11/2018-19

E-65408

E-office File No. KFD/HoFF/A5-4(GFL)/44/2018-FC

Date 16-12-2019

19

To,

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

Sir,

Sub: Diversion of 0.3221 hectare of forest land in Naubad Village Sy No. 140, Kamatana Hobli, Bidar Taluk & District for construction of 4-lane Road Over Bridge (ROB) and its approaches in lieu of existing level crossing No. 48/E at KM 66.900 on NH-50 (Railway Chainage 96/6-7) in favour of the Executive Engineer, Public Works, Ports & Inland Transport Department (National Highway Division), Kalaburgi

Proposal No. FP/KA/ROAD/41432/2019

Ref:

1. Online Proposal [FORM-A PART-I] dated 21-08-2019 of the Executive Engineer, Public Works, Ports & Inland Transport Department (National Highway Division), Kalaburagi r/w uploading of Acknowledgement on 14-10-2019 for having delivered the hard copies of the proposal to jurisdictional Deputy Conservators of Forests & Deputy Commissioner
 2. This office online communication dated 16-10-2019 to Deputy Conservators of Forests, Bidar Division for further processing
 3. Online submission of PART-II by Deputy Conservator of Forests, Bidar Division on 13-11-2019 [Letter No.A5/FC/Noubad Sy No.140/CR/2019-20 dated 04-11-2019]
 4. Online submission of PART-III by Chief Conservator of Forests, Kalaburagi Circle on 22-11-2019 to Nodal Officer [Letter No.A4/CCF/F.L/Release/Now/CR-54/2019-20/3307 dated 22-11-2019]
1. The Executive Engineer, Public Works, Ports & Inland Transport Department (National Highway Division), Kalaburagi [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 0.3221 hectare of forest land in Naubad Village Sy No. 140, Kamatana Hobli, Bidar Taluk & District for construction of 4-lane Road Over Bridge(ROB) and its approaches in lieu of existing level crossing No. 48/E at KM 66.900 on NH-50 (Railway Chainage 96/6-7). 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 14-10-2019. Accordingly, an online communication was made by Nodal Officer vide Ref (2) to the Deputy Conservator of Forests, Bidar Division, Bidar for further processing of the proposal under FC Act.

2. 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.	Name of component (Road Over Bridge)		Forest extent proposed for diversion (ha)	Legal Status of Land
Bidar District & Taluk, Kamatana Hobli	Naubad	140	1	Carriageway	0.116	Section 4 Notified* under Karnataka Forest Act 1963 *
			2	Island	0.0013	
			3	Median	0.01923	
			4	Toe	0.02192	
			5	Right of Way	0.16365	
Total					0.3221	

*Government of Karnataka Notification No. AFD 21 FAF 63 Dated 03-07-1963

3. DCF, Bidar Division Report: The Deputy Conservator of Forests, Bidar Division, Bidar has inspected the site on 25-10-2019 and vide Ref (3) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Kalaburgi Circle. The main features of the proposal based up on the Deputy Conservator of Forests, Bidar report r/w report of CCF, Kalaburgi Circle & that of ICT Centre of Forest Department are summarized below.

- The forest land proposed for diversion is in general landscape of Eco-Class-III (Tropical Dry Deciduous Forests) having density up to 0.4.
- As per Item 4(ii) of PART-II, there are 45 trees in the proposed forest land for diversion. Main species include *Chloroxylon swietenia*, *Azadirachta indica*, *Pongamia pinnata*, *Terminalia bellerica*, *Eucalyptus*, etc.
- The forest land proposed for diversion is predominantly lateritic with mostly flat terrain and the area receives less rainfall. Therefore, the proposed area is not prone to soil erosion.

- d. Major wild animals present in and around the project area include the Wild pig, Jackal, Langur, Peafowl, etc.
 - e. There are no other rare / endangered / unique species of flora and fauna reported in the forest land proposed for diversion.
 - f. 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.
 - 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 Protected/ Archaeological/ Heritage sites or Defence establishments or important monuments in the area.
 - i. There is no violation reported under Forest (Conservation) Act, 1980.
 - j. 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 21-11-2019. Agreeing with the recommendation of the Deputy Conservator of Forests, Bidar Division, the Chief Conservator of Forests, Kalaburgi Circle has also recommended the proposal. Specific comments of the Chief Conservator of Forests, Kalaburagi Circle are mentioned in PART-III of the proposal cited at Ref (4) above.
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). Accordingly, the Compensatory Afforestation information provided in Item 13 of PART-II may be ignored. 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). **Thus, 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 26-06-2019 of the Principal Chief Conservator of Forests (Head of Forest Force) for tree felling required for the purpose of execution of the project. The User Agency has submitted an Undertaking to pay the Compensatory Plantation 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 latest 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 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.**

In light of the facts stated above, it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 0.3221 hectare of forest land in Naubad Village Sy No. 140, Kamatana Hobli, Bidar Taluk & District for construction of 4-lane Road Over Bridge (ROB) and its approaches in lieu of existing level crossing No. 48/E at KM 66.900 on NH-50 (Railway Chainage 96/6-7) in favour of the Executive Engineer, Public Works, Ports & Inland Transport Department (National Highway Division), Kalaburgi for a period of 30 years subject to submission of RoFR Compliance Certificate in FORM-I 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 information.

Yours Faithfully



(Punati Sridhar IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)


Copy to the:

1. Chief Conservator of Forests, Kalaburgi Circle, Kalaburgi for information and necessary action.
2. Deputy Conservator of Forests, Bidar Division, Bidar for information and necessary action to submit the Compensatory Suitability Certificate (in original) and GPS reading of uploaded KML of CA land as mentioned above at the earliest.
3. Executive Engineer, National Highway Division H.No.11/1844 Back side SB College, Vidyanagar, Kalaburgi – 585 103 for information and with a request to obtain and submit the RoFR Compliance Certificate (in FORM-I) as mentioned above at the earliest.

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ದಿನಾಂಕ: 19.12.19

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, Plantation cost of extraction of trees, 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. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
7. 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.
8. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
9. 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.
10. 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.
11. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
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 / 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.


(Punati Sridhar 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 diversion of 0.3221 hectare of forest land in Naubad Village Sy No. 140, Kamatana Hobli, Bidar Taluk & District for construction of 4-lane Road Over Bridge (ROB) and its approaches in lieu of existing level crossing No. 48/E at KM 66.900 on NH-50 (Railway Chainage 96/6-7) in favour of the Executive Engineer, Public Works, Ports & Inland Transport Department (National Highway Division), Kalaburgi for a period of 30 years subject to submission of RoFR Compliance Certificate in FORM-I and the conditions appended in Annexure 'A'. [Proposal No. FP/KA/ROAD/41432/2019]
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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: 21 /2019-20

Date: 19 -12-2019

