

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು)ರವರ ಕಛೇರಿ

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,

ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು- 560003.

Aranya Bhavan, 18<sup>th</sup> Cross  
Malleshwaram, Bengaluru-560 003

Telephone : 080 2334 6472

Email : apccffc@gmail.com

Old File No. A5(2)K/GFL.CR-02/2018-19

E-office File No. KFD/HOFF/A52K(GFL)/18/2019-FC

*Em 3 Set*

E-72712

Dated 17-03-2020

*19*

To,

The Additional Chief Secretary to Government  
Forest, Ecology and Environment Department  
M.S. Building, Dr. Ambedkar Veedhi, Bengaluru – 560 001

Sir,

**Sub:** Re-diversion of 2.469 hectare in Hattikere village F.Sy No. 10A1A1A, Belekeri Hobli, Ankola Taluk, Uttar Kannada District (*Karwar Forest Division*) for establishing Toll Plaza with amenities (*shifting from existing location at CH. 117+900 to CH. 131+200*) in Goa- Karnataka Border– Kundapur Section of NH-66 from Project Sea Bird [*Primary User Agency*] in favour of Project Director, National Highway Authority of India (NHAI), Project Implementation Unit (PIU), Mangaluru [*Secondary User Agency*]

**Proposal No. FP/KA/ROAD/33150/2018 [FORM-A]**

- Ref:**
1. Online proposal [FORM-A PART-I] dated 23-07-2019 (resubmitted) of Project Director, National Highway of India (NHAI), Project Implementation Unit (PIU), Mangaluru and uploading of Acknowledgement online on 03-08-2019 for having delivered the hard copy of proposal to jurisdictional Deputy Conservator of Forests & Deputy Commissioner r/w online reply dated 03-02-2020 by User Agency to the EDS query dated 25-11-2019 of Nodal Officer (FCA)
  2. This office online communication dated 08-08-2019 to Deputy Conservator of Forests, Karwar Division for further processing of the proposal
  3. Online submission of PART-II on 29-08-2019 by Deputy Conservator of Forests, Karwar Division r/w online reply dated 03-02-2020 by User Agency to the EDS query of Nodal Officer [*letter No.B4/GFL/FCA/SR-11/2011-12 dated 28-08-2019 & 28-02-2020*]
  4. Online submission of PART-III on 21-09-2019 by the Chief Conservator of Forests, Kanara Circle r/w online reply dated 28-02-2020 to the EDS query of Nodal Officer [*letter No. B2/GFL/CR-14/2019-20 dated 20-09-2019 & 28-02-2020*]

*O/c*

1. The Government of India vide letter F.No. 8-472/83-Fry(Cons) dated 31-10-1986 has accorded approval under Section 2 of Forest (Conservation) Act, 1980 for diversion of 2259 hectare of forest land in Uttara Kannada District for establishment of Third Naval Base at Karwar. Accordingly, the Government of Karnataka vide Order No. FFD 47 FGL 84 dated 04-12-1986 has issued the formal approval for the forest diversion. This diversion also included the forest land in Hattikere village F.Sy No. 10A1A1A, which is subject matter of the instant proposal.
2. The Project Director, National Highway of India (NHAI), Project Implementation Unit (PIU), Mangaluru [USER AGENCY] has (re)submitted an online proposal [FORM-A PART-I] on 23-07-2019 seeking approval under the Forest (Conservation) Act, 1980 for re-diversion of 2.469 hectare in Hattikere village F.Sy No. 10A1A1A, Belekeri Hobli, Ankola Taluk, Uttara Kannada District (*Karwar Forest Division*) for establishing Toll Plaza with amenities (*shifting from existing location at CH. 117+900 to CH. 131+200*) in Goa- Karnataka Border- Kundapur Section of NH-66 from Project Sea Bird [Primary User Agency]. The same was accepted by Nodal Officer (FCA) on 02-08-2019 for further processing. After receiving the Acknowledgement online on 03-08-2019 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 to the Deputy Conservator of Forests, Karwar Division for field verification and further processing under Section 2 of the Forest (Conservation) Act, 1980.
3. **Other FC proposals of the present User Agency connected with the instant proposal:** The User Agency has submitted following additional proposals under Forest (Conservation) Act, 1980, that are either Stage-I approved or are under process for Stage-I approval and are connected to the instant proposal.

Proposal No.		Proposal Details	Present status
1	FP/KA/ROAD/9361/2013 (163.28 ha)	Diversion of 3.483 ha of forest land of mangrove area in Karwar- Honnavar- Kundapura Division addition to 159.80 ha of forest land (including 6.68 ha. of area re-diversion which falls in sea bird naval base project area) for which GOI has already granted Stage-I approval.	Stage-I approval accorded by GOI on 09-10-2015 for 163.28 ha comprising of earlier Stage-I approved 159.8 ha (on 06-05-2014) + additional 3.483 ha. Consolidated condition-wise Compliance report for 163.283 seeking Stage-II approval has been submitted to GOK on 28-11-2019.
2	FP/KA/ROAD/34601/2018 (28.218 ha)	Diversion of 28.218 ha of forest land additional for Slope Protection of 4-laning of Goa-Karnataka Border to Kundapur Section of NH-66 under DBFOT in state of Karnataka under NHDP Phase 4	Stage-I proposal [PART-I, II, III & IV] submitted to the Government of Karnataka on 06-03-2020

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

District, Taluk, Hobli	Village	Sy No.	Toll Plaza Project component		Forest Land proposed for diversion (ha)	Status of Land
Uttara Kannada District, Ankola Taluk, Belekeri Hobli	Hattikeri	10A1A1A	1	Toll Booth	0.010	Reserved Forest
			2	Open Space	1.220	
			3	PQC Road	1.140	
			4	medical aid	0.019	
			5	Admin Building	0.080	
Total					2.469	

*[Note: During the processing of the proposal at field level, the extent of forest land proposed for re-diversion was changed from originally proposed 2.469 ha (in PART-I) to 1.449 ha (in PART-II) on the ground that 1.02 ha out of 2.469 ha was disforested vide Government of Karnataka Order No. AFD 262 FAF 70 dated 20-09-1970. After the Nodal Officer (FCA) raised EDS query dated 25-11-2019 seeking clarification on the extent of forest land involved in the proposal, the User Agency has revised the non-forest land requirement from 3.16 ha to 3.828 ha. Simultaneously, the User Agency has also reoriented its forest land requirement to exclude the disforested land from its proposal and include additional forest land of equivalent extent, thereby resulting in no net change in the extent of forest land requirement for the proposal. However, on account of technical restrictions in editing certain information in PART-I and PART-II of the proposal, once the PART-II is uploaded, the User Agency has not been able to make necessary changes with respect to the non-forest land in Item A-1 (ix), B-2.1, B-2.3 and B-2.4 of PART-I. The User Agency has uploaded letter No. 12014/2/2011/PIU(Mnglr)/1132 dated 01-02-2020 giving the revised extent of non-forest land involved in the project in Additional Information Details of the PART-I of the proposal.]*

- 5. Deputy Conservator of Forests, Karwar Division Report:** The Deputy Conservator of Forests Karwar Division has inspected the spot on 09-08-2019 and vide Ref (3) has submitted the Site Inspection Report, the details of the area along with the recommendation in the form of PART-II of the proposal to Chief Conservator of Forests, Kanara Circle. Main features of the proposal based on the Deputy Conservator of Forests, Karwar Division report r/w the report of the Chief Conservator of Forests, Kanara Circle and that of the ICT Centre of Forest Department are as follows.

- The forest land proposed for re-diversion is not vulnerable to soil erosion.
- The forest land proposed for re-diversion is in general landscape of Eco-class-I (Tropical Wet Evergreen Forests/ Tropical Semi Evergreen

Forests/ Topical Moist Deciduous Forests) with up to 0.25 canopy density (Open Forest).

- c. As per Item 4(ii) of PART-II, there are no trees on the forest land proposed for re-diversion.
  - d. Wild animals found in and around the project area include Leopard, Spotted deer, Sambar, Porcupine, etc.
  - e. There are rare / endangered / unique species of flora and fauna reported around the forest area proposed for re-diversion.
  - f. The forest land proposed for re-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 re-diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
  - h. There are no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor within one kilometer from the boundary of the forest land proposed for re-diversion.
  - i. There are no Protected/ Archeological/ Heritage Sites/ Defence establishments (other than Naval Base) located in the proposed area.
  - j. The forest area proposed for re-diversion is the bare minimum and unavoidable.
  - k. As per Item 11(i) of PART-II of the proposal, the User Agency has undertaken work in the forest land in question. The User Agency vide Clarification Note dated 19-07-2019 has stated that total of 9.136 ha of forest land is transferred from Ministry of Defence to NHAI on 28-10-2014 stating grant of working permission regarding transfer of Defence land to NHAI for four-laning of Goa-Karnataka Border to Kundapur Section of NH-66. Accordingly, NHAI included 6.68 ha of forest land transfer from ministry of Defence to NHAI in diversion of forest land of 159.80 ha proposal and obtained Stage-I clearance on 06-05-2014. However, 2.469 ha of forest land which is to be redirected was missed out and noticed later and accordingly the proposal initiated now. However, the work has been carried out viewing the national importance as well as Sea Bird Authority granted working permission.
6. **Chief Conservator of Forests, Kanara Circle Report:** The Chief Conservator of Forests, Kanara Circle has inspected the proposed area on 18-09-2019 and vide Ref (4) has submitted Site Inspection Report in PART-III online. Agreeing with the recommendation made by the Deputy Conservator of Forests, Karwar

Division, the Chief Conservator of Forests, Kanara Circle has also recommended the proposal. *[Note: The Site Inspection Report dated 20-09-2019 of Chief Conservator of Forests, Kanara Circle uploaded in Item 15 of PART-II being an old one before EDS query dated 25-11-2019 of Nodal Officer (FCA), the text contained therein - 'Hence only 1.449 ha is the proposed forest area for re-diversion'- may be ignored in view of 2.469 ha of forest land proposed for diversion in the instant proposal.]*

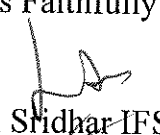
7. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land proposed for diversion as per Para 3.1 to 3.4 of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. **The User Agency has submitted an Undertaking (dated 19-07-2019) to pay the charges towards Net Present Value (NPV) of the forest land proposed for re-diversion.**
8. **Compensatory Afforestation (CA):** The proposal being a re-diversion proposal, the question of CA land requirement will arise only if the Primary User Agency (the original lessee) has not paid the CA charges and if the CA has not been raised. The Deputy Conservator of Forests, Karwar vide his letter dated 28-02-2020 (Ref-3) has stated that CA charges (in the Sea Bird Project) have been recovered from the original lease holder and the CA has been raised in 426.20 ha of forest land in Shivamogga, Yellapaur, Honnavar, Karwar Forest Divisions & 55.50 ha of non-forest land in Shivamogga Division. Nevertheless, **the User Agency has submitted an Undertaking (dated 19-07-2019) to pay the CA charges for the forest land proposed for re-diversion.**
9. **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.**
10. **Additional remarks:** The User Agency has uploaded the copies of (i) the Government of India, Ministry of Defence, New Delhi letter No. SB/8(1)/1051/PC/320/D(N-III) dated 28-10-2014, (ii) Chief Engineer, HQ of MoD (Navy), Project Sea Bird, West Block-V, R.K.Puram, New Delhi letter No, SB/6E2/725 dated 29-10-2014, and (iii) Minutes of the meetings (held on 27-05-2014 and subsequent days) of Board (Supplementary) for transfer of Naval land to NHAI and relinquishment of lease of forest land to facilitate widening / realignment of NH-66 (Relocation of Toll Plaza). The same may be

considered as Consent of Primary User Agency (Project Sea Bird) for re-diversion in the instant case in accordance with provisions of Para 5.6 of the FC Guidelines.

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval under Forest (Conservation) Act, 1980 for re-diversion of 2.469 hectare in Hattikeri village F.Sy No. 10A1A1A, Belekeri Hobli, Ankola Taluk, Uttar Kannada District (Karwar Forest Division) for establishing Toll Plaza with amenities (*shifting from existing location at CH. 117+900 to CH. 131+200*) in Goa- Karnataka Border- Kundapur Section of NH-66 from Project Sea Bird [Primary User Agency] in favour of Project Director, National Highway Authority of India (NHAI), Project Implementation Unit (PIU), Mangaluru [Secondary User Agency] for a period of Thirty (30) 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

  
(Punati Sridhar IFS)  
Principal Chief Conservator of Forests  
(Head of Forest Force)

**Copy to the:**

1. Chief Conservator of Forests, Kanara Circle, Sirsi for information.
2. Deputy Conservator of Forests, Karwar Division, Karwar for information.
3. The Project Director, National Highway Authority of India, PIU, Door No.3-29, 'Bethel', Tharethota, Near Pump Well, NH-66, Mangaluru for information and further action to obtain and submit attested copies of 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 through Chief Conservator of Forests, Kanara Circle.

  
19-3-2020  
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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), Compensatory Afforestation (CA) charges, cost of extraction of trees (if required in future), 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 User Agency shall provide Signages of appropriate nature and dimensions all along the project road at regular intervals to create awareness among public regarding forest, wildlife and environment issues in consultation with the jurisdictional Deputy Conservator of Forests.
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. 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 inside forest area 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 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.
11. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
12. No change in Land Use Plan shall be done unless prior approval of Government of India under FC Act is obtained.
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 and/or 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.



(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)

<p>Detailed opinion &amp; specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.</p> <p><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></p>	<p>Recommended for re-diversion of 2.469 hectare in Hattikere village F.Sy No. 10A1A1A, Belekeri Hobli, Ankola Taluk, Uttar Kannada District (Karwar Forest Division) for establishing Toll Plaza with amenities (shifting from existing location at CH. 117+900 to CH. 131+200) in Goa- Karnataka Border–Kundapur Section of NH-66 from Project Sea Bird [Primary User Agency] in favour of Project Director, National Highway Authority of India (NHAI), Project Implementation Unit (PIU), Mangaluru [Secondary User Agency] for a period of Thirty (30) 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'.</p> <p><b>Proposal No. FP/KA/ROAD/34601/2018</b></p>
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Signature:

Name:

Designation:

  
(Rajiv Ranjan, IFS)

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

Signature:

Name:

Designation:

  
(Punati Sridhar, IFS)

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

N.D.O. No. 41 /2019-20

(Official Seal)

Dated 19-03-2020



