

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
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003.

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E-office File No. KFD/HoFF/A5-4(GFL)/15/2019-FC
Encl: 3 sets of proposal

E-76669
Date 07-05-2021

To,

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

Sir,

Sub: Diversion of 4.7417 hectare (*revised from 2.797 hectare*) of forest land in Sy No. 33, 13 of Kaudgaon Village and Sy No. 27, 154 of Kautha B Villages, Santapura Hobli, and Sy No. 1 of Vanamarapalli Village, Aurad (b) Hobli, Aurad Taluk, Bidar District for widening and improvement of the existing NH-161A (old SH-15) to 4-lane in Aurad-Bidar Section commencing from Karnataka-Maharashtra Border (KM 0.000) to Bidar (KM 45.878) in favour of Deputy General Manager & Project Director, National Highway Authority of India, Project Implementation Unit, Kalburgi.

Proposal No. FP/KA/ROAD/38636/2019 [Form-A]

- Ref:**
1. Online Proposal [FORM-A PART-I] dated 22-07-2019 (re-submitted) of Deputy General Manager & Project Director, National Highway Authority of India, Project Implementation Unit, Kalaburgi r/w uploading of Acknowledgement on 17-07-2020 for having delivered the hard copies of the proposal to jurisdictional Deputy Conservators of Forests & Deputy Commissioner
 2. This office online communication dated 29-07-2020 to Deputy Conservators of Forests, Bidar Division for further processing of proposal
 3. Online submission of PART-II by Deputy Conservator of Forests, Bidar Division on 08-03-2021 [Letter No. A5/NH161A/CR-12/2020-21/1097 dated 08-03-2021]
 4. Online submission of PART-III by Chief Conservator of Forests, Kalaburagi Circle on 29-03-2021 [Letter No. A4/CCF/F.L./Release/NH/AU/CR-26/2020-21 dated 25-03-2021]

1. The Deputy General Manager & Project Director, National Highway Authority of India, Project Implementation Unit, Kalburgi [USER AGENCY] vide Ref (1) has submitted an online proposal [FORM-A PART-I] through FC Web Portal seeking approval under Section 2(ii) of the Forest (Conservation) Act, 1980 for diversion of 4.7417 hectare (*revised from 2.797 hectare*) of forest land in Sy No. 13 and 33 of Kaudgaon Village and Sy No. 27 and 154 of Kautha B Village, Santapura Hobli, and Sy No. 1 of Vanamarapalli Village, Aurad (b) Hobli, Aurad Taluk, Bidar District for widening and improvement of the existing NH-161A (old SH-15) to 4-lane in Aurad-Bidar Section commencing from Karnataka-Maharashtra Border (KM 0.000) to Bidar (KM 45.878). After acceptance of the proposal by Nodal Officer (FCA) on 12-09-2020 for further processing, the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Bidar Division and Deputy Commissioner, Bidar District and has uploaded the Acknowledgment on the web portal on 17-07-2020. Accordingly, an online communication was made by Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Bidar Division for further processing of the proposal under Forest Conservation Act.

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

District, Taluk, Hobli	Village	Sy No.	Forest extent proposed for diversion (ha)	Legal Status of Land
Bidar District, Aurad Taluk, Santapura Hobli	Kaudgaon	33	0.1276	*Section 4 Unclassified Forest
		13	0.0268	
	Kautha B	27	1.6392	
		154	1.6042	
Bidar District, Aurad Taluk, Aurad (b) Hobli	Vanamarapalli	1	1.3439	Unclassified Forest
Total			4.7417	

* Government of Karnataka Notification No. AHFF-105-FAF-91 dated 26-06-1991

Component wise breakup of the forest land proposed for diversion is given below.

Name of Project component (Road widening)		Forest extent proposed for diversion (ha)
1	Carriageway	1.9979
2	Shoulder	0.8473
3	Drain	0.9039
4	Right of Way (ROW)	0.9926
Total		4.7417

3. **DCF, Bidar Division Report:** The Deputy Conservator of Forests, Bidar Division has inspected the site on 20-11-2020 and vide Ref (3) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Kalaburgi Circle. Main features of the proposal based up on the Deputy Conservator of Forests, Bidar report r/w report of Chief Conservator of Forest,

Kalaburgi Circle and that of ICT Centre of Forest Department are summarized below.

- a. The forest land proposed for diversion is gentle slope and is not vulnerable to soil erosion.
 - b. The forest land proposed for diversion is in general landscape of Eco-Class III (Tropical Dry Deciduous Forests) with a canopy density up to 0.7 (Very Dense Forest).
 - c. As per Item 4(ii) of PART-II, there are 470 trees in different Girth Classes in the forest land proposed for diversion. Main species include *Azadirachta indica*, *Butea monosperma*, *Anona squamosa*, *Melia azadirachta*, *Acacia nilotica*, *Pongamia pinnata*, *Dalburgia sisoo*, *Prosopis juliflora*, *Tectona grandis*, *Gliricidia maculata*, *Acacia nilotica*, *Acacia catechu*, *Diospyros melanoxylon*, *Ziziphus jujuba*, *Tamarindus indica*, *Eucalyptus spp*, *Cassia fistula*, *Ficus religiosa*, *Moringa oleifera*, *Albizia lebbek*, *Terminalia tomentosa*, *Syzigium cumini*, *Leucaena leucocephala*, *Melia dubia*, *Diospyros paniculata*, *Pithecellobium dulce* etc.
 - d. Major wild animals present in and around the project area include the Black buck, Jackal, Wild boar (Wild pig), Porcupine, Langur and Peacock 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 24-03-2021 [Note: The SIR date mentioned in Item 16 may be read accordingly] and agreeing with the recommendation made by 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 Item 16 of PART-II/III of the proposal cited at Ref (4) above.

5. **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 letter F.No. 5-2/2017-FC dated 28-03-2019. **The User Agency has agreed to pay the NPV charges and has submitted an Undertaking dated 21-12-2020.**
6. **Compensatory Afforestation (CA):** In accordance with the provisions of Para 2.5(i)(a) 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 exempted from the requirement of providing the non-forest land for Compensatory Afforestation purpose and the Compensatory Afforestation can be raised and maintained at the cost of User Agency on degraded forest land twice in extent of the forest area proposed for diversion. Accordingly, **the Deputy Conservator of Forests, Bidar Division has identified a gross area of 9.4834 hectare of Degraded Forest Land in Deogir Village Sy No. 38, (Deogir Reserve Forest), Nirna Hobli, Humnabad Taluk, Bidar District and Forest Division for raising CA. The Deputy Conservator of Forests, Bidar Division has uploaded the CA related information (KML file and Maps) online in PART-II of the proposal. The CA related documents (Topo Map), Geo-referenced Map along with GPS readings of all corners, CA Suitability Certificate dated 02-03-2021 and CA Scheme are enclosed herewith. The User Agency has also uploaded an Undertaking to pay the Compensatory Afforestation charges.**
2. **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. Accordingly, 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 and agreeing with the recommendation made by the field officers, it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 4.7417 hectare (*revised from 2.797 hectare*) of forest land in Sy No. 13 and 33 of Kaudgaon Village and Sy No. 27 and 154 of Kautha B Village, Santapura Hobli, and Sy No. 1 of Vanamarapalli Village, Aurad (b) Hobli, Aurad Taluk, Bidar District for widening and improvement of the existing NH-161A (old SH-15) to 4-lane in Aurad-Bidar Section commencing from Karnataka-Maharashtra Border (KM 0.000) to Bidar (KM 45.878) in favour of Deputy General Manager &

Project Director, National Highway Authority of India, Project Implementation Unit, Kalburgi for a period of 20 years subject to submission of RoFR Compliance Certificate in FORM-I (for Linear Projects) and further subject to 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

(Sanjai Mohan IFS)

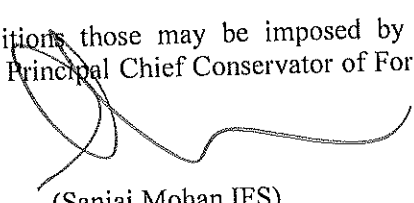
Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Chief Conservator of Forests, Kalaburagi Circle, Kalaburagi for information.
2. Deputy Conservator of Forests, Bidar Division, Bidar for information.
3. Deputy General Manager & Project Director, National Highway Authority of India, Project Implementation Unit, Kalburgi- 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.

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 User Agency shall provide signages of appropriate dimensions and kind in consultation with the jurisdictional Deputy Conservator of Forests at project cost for creating awareness among general public regarding forest, wildlife and environment issues.
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.


(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)*

<p>Detailed opinion & 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 diversion of 4.7417 hectare (<i>revised from 2.797 hectare</i>) of forest land in Sy No. 13 and 33 of Kaudgaon Village and Sy No. 27 and 154 of Kautha B Village, Santapura Hobli, and Sy No. 1 of Vanamarapalli Village, Aurad (b) Hobli, Aurad Taluk, Bidar District for widening and improvement of the existing NH-161A (old SH-15) to 4-lane in Aurad-Bidar Section commencing from Karnataka-Maharashtra Border (KM 0.000) to Bidar (KM 45.878) in favour of Deputy General Manager & Project Director, National Highway Authority of India, Project Implementation Unit, Kalburgi for a period of 20 years subject to submission of RoFR Compliance Certificate in FORM-I (for Linear Projects) and further subject to the conditions appended in Annexure 'A'. Proposal No. FP/KA/ROAD/38636/2019</p>
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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: 08/2021-22

Date: -04-2021

