

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ

ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560003

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Old File No. (B3)A5(2)GFL.CR-22/1992-93

E-68919

E-office File No. KFD/HOFF/A52K(GFL)/81/2018-FC

Date 18-05-2020

To,

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

Sir,

Sub: Renewal of FC lease for diversion of 0.036 hectare (40 m x 9 m) of forest land in Chipgi Village Forest Sy No. 49, Kasaba Hobli, Sirsi Taluk, Uttara Kannada District (Sirsi Forest Division) for existing approach road in favour of Panchayat Development Officer, Islur village, Sirsi Taluk

Proposal No. FP/KA/ROAD/31362/2018 [FORM-B]

- Ref:**
1. Government of India, Ministry of Environment, Forests & Climate Change, Regional Office (Southern Zone), Bengaluru letter No. FCA/11.2/4/RC/KAR dated 22-04-1993 [previous FC approval]
 2. Government of Karnataka order No. AHFF 26 FLL 92 dated 07-07-1993 [formal sanction of lease]
 3. Online proposal [FORM-B PART-I] dated 27-08-2018 (resubmitted) of Panchayat Development Officer, Islur, Sirsi Taluk, Uttara Kannada District
 4. This office online communication dated 19-01-2019 to Deputy Conservator of Forests, Sirsi Division, Sirsi for processing of proposal
 5. Online submission of PART-II on 20-04-2019 by the Deputy Conservator of Forests, Sirsi Division r/w online reply dated 30-01-2020 to the latest EDS query [Letter No. A3/GFL/LAND/CR-01/2014-15/2018-19 dated 30-03-2019, 04-06-2019 and 28-01-2020]
 6. Online submission of PART-III on 01-07-2019 by the Chief Conservator of Forests, Kanara Circle r/w online reply dated 03-02-2020 to EDS query of Nodal Officer [Letter No. B2/GFL/CR-6/2019-20 dated 01-07-2019 and 03-02-2020]
 7. This office even letter dated 06-08-2019 to Chief Conservator of Forests, Kanara Circle, Sirsi [EDS query]

8. Deputy Conservator of Forests, Sagar Division (offline) letter No. B1/Land/Diversion 0.036/GL-1590/2019-20/3091 dated 30-11-2019 addressed to Deputy Conservator of Forests, Sirsi Division [providing details of CA raised in Sagar Division]

1. The Government of India vide Ref (1) had accorded approval for the abovementioned proposal under Section 2 of the Forest (Conservation) Act, 1980 for a period of 10 years. Accordingly, the Government of Karnataka vide Ref (2) has sanctioned the forest lease for the above project. The said lease expired on 21-04-2003.
2. This office vide letter No. A5(2)(B3)GFL.CR-22/1992-93 dated 22-11-2004 (and subsequent letters) reminded the User Agency as well as the field officer for submitting the lease renewal proposal. The field officers also reminded the User Agency for the same multiple times.
3. After much correspondence with the field officers and User Agency, the Panchayat Development Officer, Islur village, Sirsi Taluk, Uttara Kannada District [USER AGENCY] vide Ref (3) has (re)submitted an online proposal in FORM-B PART-I through FC web portal on 27-08-2018 seeking approval for renewal of FC lease under Forest (Conservation) Act, 1980, for diversion of 0.036 hectare (40 m x 9 m) of forest land in Chipgi Village Forest Sy No. 49, Kasaba Hobli, Sirsi Taluk, Uttara Kannada District (Sirsi Forest Division) for existing approach road. The Nodal Officer (FCA) has accepted the proposal and informed the User Agency through FC web portal to submit the hard copies of the proposal to the jurisdictional Deputy Conservator of Forests and Deputy Commissioner. After uploading of the Acknowledgement online by the USER AGENCY on 12-01-2019 for having delivered the hard copies of the proposal to the jurisdictional Deputy Conservator of Forests and Deputy Commissioner, the FC web portal link was forwarded by this office vide Ref (4) to the Deputy Conservator of Forests, Sirsi Division for field verification and further processing under Section 2 of the Forest (Conservation) Act, 1980.
4. **Location and Component wise break up:** Location details and Component-wise breakup of the forest land proposed for FC renewal is given below.

District, Taluk, Hobli	Village	Sy No.	Components	Forest land proposed for FC renewal (ha)	Legal status of land
Uttar Kannada District, Sirsi Taluk, Kasaba Hobli	Chipgi	49	Approach Road (40 m & 9 m)	0.036	Reserved Forest
Total				0.36	

5. **DCF, Sirsi Division Report:** The Deputy Conservator of Forests, Sirsi Division has inspected the site on 24-03-2019 and vide Ref (5) has submitted his report

along with recommendation in PART-II to Chief Conservator of Forests, Kanara Circle. Main features of the proposal based up on the DCF, Sirsi Division report r/w report of CCF, Kanara Circle and that of ICT Centre of Forest Department are summarized below.

- a. The forest land proposed for FC renewal is not vulnerable to soil erosion.
- b. The forest land proposed for FC renewal is in general landscape of Eco-class-I consisting of Tropical Moist Deciduous Forest with Open Forest (based on satellite imagery). [Note: Entry made in Item 4(i) of PART-II of the proposal may be read accordingly.]
- c. There are 3 Ashoka (*Polyalthia longifolia*) trees in 31-60 cm girth class on the forest land proposed for FC renewal.
- d. The Deputy Conservator of Forests, Sirsi Division has not reported any major wild animal species in the area.
- e. There are no rare / endangered / unique species of flora and fauna reported in and around 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. There are no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc., within one kilometre of the forest land proposed for diversion.
- h. The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
- i. There are no Protected/ Archaeological/ Heritage sites or Defence establishments or important monuments in the area.
- j. There is no violation reported under the Forest (Conservation) Act, 1980.
- k. The requirement of forest land for the project is bare minimum and unavoidable.

The Field officers have also submitted the condition-wise Compliance Report in respect of the conditions of FC approval accorded earlier.

6. **CCF, Kanara Circle Report:** The Chief Conservator of Forests, Kanara Circle has inspected the site on 26-06-2019 and agreeing with the recommendations of the Deputy Conservator of Forests, Sirsi Division, has also recommended the proposal. Specific comments of the Chief Conservator of Forests, Kanara Circle

are mentioned in Item 15 & 16 of PART-II/III of the proposal cited at Ref (6) above.

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 agreed to pay the charges towards Net Present Value (NPV) and has submitted an Undertaking dated 23-08-2018.**
8. **Compensatory Afforestation (CA):** As per Condition No. (e) of Government of India FC approval dated 22-04-1993 and also the Condition No. (e) of Government of Karnataka Order dated 07-07-1993, **Compensatory Afforestation over 0.5 ha has been raised at the cost (Rs. 1800/- vide DD No. 977642 dated 06/09/1994; Sirsi Division Office Cash Book Item No.29/9-94) of User Agency during 1995-96 as part of total 10.00 ha combined CA raised over non-forest land (C&D) in Belenne village Sy No. 132, Talguppa Hobli, Sagar Taluk, Shivamogga District (Sagar Forest Division) in respect of total seven (7) FC proposals. Plantation Journal details, sketch showing the Compensatory Afforestation area provided by the Deputy Conservator of Forests, Sagar Division to Deputy Conservator of Forests, Sirsi Division are enclosed herewith.** Moreover, the present proposal involves FC renewal involving within one hectare of forest land and **thus there is no need to raise anymore Compensatory Afforestation for the present proposal.**
9. **RoFR Certificate:** In order to meet the requirement of the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act, 2006 and Rules 2008 and the FC Guidelines, the User Agency is required to obtain the RoFR Certificate in FORM-I (Linear Projects) from the jurisdictional Deputy Commissioner and provide a copy. **The User Agency is being informed once again to obtain the said certificate and submit attested copies.**
10. **Additional Remarks:** The User Agency has continued to remain in possession of the forest land in question even after expiry of lease, i.e., from 22-04-2003. With regard to the delay in applying for FC Renewal, the User Agency vide letter dated 18-11-2019 addressed to the Deputy Conservator of Forests, Sirsi Division, has stated that the FC renewal was delayed as the file was misplaced. The User Agency being a Government Agency and the road in question being utilized for a public purpose, the proposal may be considered for FC renewal after imposing penal provisions under Para 1.21 of FC Guidelines, if deemed appropriate.

Under the above circumstances and agreeing with the recommendation of the field officers, it is requested to move the proposal with the Government of India,

Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Bengaluru for according 'in-principle' (Stage-I) approval under Forest (Conservation) Act, 1980 for renewal of FC lease for diversion of 0.036 hectare (40 m x 9 m) of forest land in Chipgi Village F.Sy No. 49, Kasaba Hobli, Sirsi Taluk, Uttara Kannada District (Sirsi Forest Division) for existing approach road in favour of Panchayat Development Officer, Islur village, Sirsi Taluk for a period of 30 years w.e.f. 22-04-2003 and subject to production of FRA 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 are submitted herewith for further needful. Present status (Timeline) of the proposal obtained from the FC web-portal is also appended for reference.

Yours Faithfully

(Sanjai Mohan I.F.S)

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, Sirsi Division for information.
3. Panchayat Development Officer, Islur, Sirsi Taluk, Uttara Kannada District – 581 402 for information and with a request to obtain the RoFR Certificate in FORM-I (Linear Projects) from the jurisdictional Deputy Commissioner and provide the attested copies.

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 (CP) charges, cost of extraction of trees, land lease rent and any other levies as per the conditions of approval.
3. User Agency shall provide chain link fence/boundary wall at its own cost all along the boundary of the forest area in consultation with the jurisdictional Deputy Conservator of Forests.
4. The User Agency shall demarcate the lease area in the manner specified at the time of approval at its own cost.
5. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
6. The lease 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 of 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.


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 renewal of FC lease for diversion of 0.036 hectare (40 m x 9 m) of forest land in Chipgi Village F.Sy No. 49, Kasaba Hobli, Sirsi Taluk, Uttara Kannada District (Sirsi Forest Division) for existing approach road in favour of Panchayat Development Officer, Islur village, Sirsi Taluk for a period of 30 years w.e.f. 22-04-2003 and subject to production of FRA Certificate in FORM-I (for Linear projects) and further subject to the conditions appended in Annexure 'A'.</p> <p>Proposal No. FP/KA/ROAD/31362/2018 [FORM-B]</p>
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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. 47/2020-21

Dated 20/05/2020

(Official Seal)

