

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ

ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡ ರಸ್ತೆ, ಮಲ್ಲೇಶ್ವರಂ
ಬೆಂಗಳೂರು-560 003.

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



Aranya Bhavan, 18th Cross
Malleshwaram, Bengaluru-560 003
Telephone : 080 2334 6472
Email : apccffc@gmail.com

No: A5(4).GFL.CR.5/2017-18

Date: 20-09-2018

(3 Set proposal enclosed)

To,

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

Sir,

Sub: Diversion of 1.894 hectare of forest land in Sy No. 12 & 13 of
Uttarahalli- Manavarthe (U.M.) Kavalu, Bengaluru South Taluk,
Bengaluru Urban District & Division for rehabilitation and
upgrading of existing road to 2-lane with Paved shoulders/4
laning from Km 438.475 (Proposed Km 435.250) Harohalli to
proposed Km 461.550 (proposed Km 458.420) Nice Road
Section of NH-209 [Project road length 23.075 km] in favour of
the Project Director, PIU, National Highways Authority of India,
Basavanapura (Ramadevarapada) Ramanagara-reg
[Proposal No. FP/KA/ROAD/26269/2017]

- Ref: 1) Online Proposal dated 13-07-2017 (resubmitted) of the
Project Director, PIU, National Highways Authority of
India, Basavanapura Ramadevarapada, Ramanagara.
2) This office online communication dated 13-09-2017 [online
link transfer to DCF].
3) Deputy Conservator of Forests, Bengaluru Urban Division,
Bengaluru letter No. A7.Land.NH-209.CR-38/2017-18 dated
22-03-2018 [Online submission of PART-II on 28-03-2018
r/w online reply dated 30-07-2018 to EDS of Circle Office].
4) Chief Conservator of Forests, Bengaluru Circle, Bengaluru
letter No.A11/Bhoomi/CR-07/2018-19 dated 30-07-2018
[Online submission of Part-III on 03-08-2018].

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The Project Director, PIU, National Highways Authority of India,
Basavanapura Ramadevarapada, Ramanagara (Ramanagara District) vide reference
(1) has submitted an online proposal through FC Web Portal seeking approval for
diversion of 1.894 hectare of forest land in Sy No. 12 & 13 of Uttarahalli- Manavarthe
(U.M.) Kavalu, Bengaluru South Taluk, Bengaluru Urban District & Division for
rehabilitation and upgrading of existing road to 2-lane with Paved shoulders/4 laning
from Km 438.475 (Proposed Km 435.250) Harohalli to proposed Km 461.550
(proposed Km 458.420) Nice Road Section of NH-209 [Project road length 23.075

km] under Section 2 of the Forest (Conservation) Act, 1980. Accordingly, communication through web portal was made by Nodal Officer vide reference (2) to the Deputy Conservator of Forests, Bengaluru Urban Division for further processing of the proposal under FC Act.

The details of the forest land required for the project are as under:

District		Taluk & Hobli	Village	& Sy No.	Status of Land	Extent (ha)
1	Bengaluru Urban	Bengaluru South (Uttarahalli -2)	Uttarahalli Manavarthi Kavalu	Sy.No.38 (Old Sy.No.12)	Reserved Forest	1.137
				Sy.No. 13		0.756
Total						1.893

The component / segment-wise breakup of the forest land proposed for diversion is as under:

Segment (Survey number & Village details)		Total proposed Road Length x Width [Required forest Length & Width (deducting existing Width)] (in meter)	Design Chainage		Forest extent proposed for diversion (in ha)
			From	To	
1	38 (Old 12) of Manavarthi Kavalu	LHS 1030 x 45 [LHS 1030 x 11]	457+250	457+280	1.137
2	13 of Manavarthi Kavalu	RHS 780 x 45 [RHS 780 x 9]	457+500	457+280	0.756
Grand Total					1.893

Further details of the proposal are as following.

1. **DCF, Bengaluru Urban Division Report:** The Deputy Conservator of Forests, Bengaluru Urban Division has inspected the site latest on 13-11-2017 and has submitted Inspection Report vide reference (3) furnished the following details in PART-II of the proposal.
 - I. The requirement of forest land proposed by the User Agency is bare minimum and unavoidable for the project.
 - II. The density of vegetation is up to 0.25 and the project lies in Eco class III.
 - III. Item 4(ii) of Part-II shows 114 trees of various species like *Ficus religiosa*, *Albezzia lebbeck*, *Wrigtria tinctoria*, *Delonix Regia*, *Pongamia Pinnata*, *Tamarindus Indica*, *Acacia Arabica*, *Spathodea campanulata*, etc., in forest land proposed for diversion. [Note: typed hard copy of PART-II (vii) wrongly typed 116 trees in forest land proposed for diversion and therefore may be ignored].

- IV. There are no rare / endangered / unique species of flora and fauna in the proposed area.
- V. There are no protected / archaeological / heritage sites or defence establishments or important monuments in the area.
- VI. The proposed forest area does not form part of any Wildlife Sanctuary, National Park, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc.
- VII. There is no violation under Forest (Conservation) Act, 1980.

2. **CCF, Bengaluru Circle Report:** The Chief Conservator of Forests, Bengaluru Circle has not inspected the site, but has agreed with the recommendations made by the Deputy Conservator of Forests, Bengaluru Urban Division and has recommended the diversion proposal. The Chief Conservator of Forests, Bengaluru has submitted PART-III of the proposal vide reference (4) above.
3. **Compensatory Afforestation (CA):** In accordance with the special provisions laid in Para 3.2(ix) of FC Guidelines regarding Central Government projects, the Deputy Conservator of Forests, Bengaluru Urban Division has identified double the area being diverted, i.e., 4.00 ha. of degraded forest land for raising compensatory afforestation in Sy No.182 of Marenahalli Village of Marasandra RF in Jala-3 Hobli, Bengaluru North Taluk (Yelahanka Range) of Bengaluru Urban District & Division. Further, **the User Agency has submitted an Undertaking to pay the CA charges.**
4. **Net Present Value (NPV):** The User Agency is required to pay Net Present Value (NPV) for 1.8935 hectare of forest land being diverted as per Orders dated 28-3-2008 and 9-5-2008 of the Hon'ble Supreme Court of India in I.A.No.826 in I.A.566 in WP(C) No. 202/1995. **The User Agency has given an Undertaking to pay the same.**
5. **ROFR Certificate:** The User Agency is required to submit the Certificate of compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules 2008 issued by the jurisdictional Deputy Commissioner in FORM-I (Linear projects) as per guidelines issued by Ministry of Environment and Forest, New Delhi vide letter No. 11-9/1198-FC (pt) dated 3-8-2009/05-7-2013. **The User Agency has not submitted the required certificate and therefore it is being informed to obtain and submit the same.**
6. **Mitigating Plan:** Proposed area is not part of any traditional elephant corridor. However, wild elephants have been using this stretch to traverse from Bannerghatta National Park to Savandurga RF in Ramanagara District. Now, the existing lane will be widened and it will lead to increase in the flow of traffic. Therefore, providing underpasses for the wild elephants to across the road at regular intervals is a necessity. This issue has been discussed with the Project Director, NHAI and the user agency has already submitted two options of designs to DCF, Bengaluru Urban Division. The same is yet to be approved by the Chief Wildlife Warden of Karnataka State for mitigating any future conflict. Once approved, it will be provided to the User Agency for compliance and constructing this as part of widening the Road.

Under the above circumstances and agreeing with the recommendation of the field officers, it is requested to move the proposal to Government of India for seeking Stage-I (*in-principle*) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 1.894 hectare of forest land in Sy No. 12 & 13 of Uttarahalli- Manavarthe (U.M.) Kavalu, Bengaluru South Taluk, Bengaluru Urban District & Division for rehabilitation and upgrading of existing road to 2-lane with Paved shoulders/4 laning from Km 438.475 (Proposed Km 435.250) Harohalli to proposed Km 461.550 (proposed Km 458.420) Nice Road Section of NH-209 [Project road length 23.075 km] in favour of the Project Director, PIU, National Highways Authority of India, Basavanapura (Ramadevarapada), Ramanagara for a period of 50 years subject to implement the approved mitigating measure plan at project cost and submission of RoFR Compliance Certificate in addition to the conditions appended in Annexure 'A'.

The proforma particulars along with relevant documents in 3 sets are submitted herewith for further action.

Yours faithfully



Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the Chief Conservator of Forests, Bengaluru Circle, Bengaluru for information and necessary action.

Copy to the Deputy Conservator of Forests, Bengaluru Urban Division, Bengaluru for information and necessary action.

Copy to the Manager Technical, National Highway Authority of India, Project Implementing Unit, Basavanapura, Ramadevarapada, Ramanagara for information and with a request to submit the Mitigating Measure Plan approved by Chief Wildlife Warden, Karnataka and also obtain and submit the RoFR compliance certificate (in original) as mentioned above.

ರವಾನಿಸಲಾಗಿದೆ

ದಿನಾಂಕ: 20/9/18

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. (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).	Recommended for diversion of 1.894 hectare of forest land in Sy No. 12 & 13 of Uttarahalli-Manavarthe (U.M.) Kavalu, Bengaluru South Taluk, Bengaluru Urban District & Division for rehabilitation and upgrading of existing road to 2-lane with Paved shoulders/4 laning from Km 438.475 (Proposed Km 435.250) Harohalli to proposed Km 461.550 (proposed Km 458.420) Nice Road Section of NH-209 [Project road length 23.075 km] in favour of the Project Director, PIU, National Highways Authority of India, Basavanapura (Ramadevarapada) Ramanagara [Proposal No. FP/KA/RAIL/18767/2016] subject to the conditions appended in Annexure-'A'.
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Signature:

Name:

Designation:



JAGMOHAN SHARMA IFS

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

(Official Seal)

Countersigned by :

Name:

Designation:



PUNATI SRIDHAR IFS

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

(Official Seal)

N.D.O. No: 8 /2018-19

Date: 20-09-2018



ANNEXURE 'A'

1. The legal status of Forest land shall remain unchanged and it shall continue to be as forest land.
2. The lease tenure is for a period of 50 (Fifty) years.
3. The User Agency shall provide a Compound wall or Chain link fencing in forest land interface length except where road crossing structures are established by the User Agency.
4. The lessee shall pay lease rent as fixed by the Government from time to time
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 one year or when it is no longer needed for the stipulated purpose, the area should be resumed to the Forest Department.
6. In case, any violation is reported during the lease period, the lease shall be forfeited 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.
7. No residential buildings shall be permitted in the forest area proposed for diversion.
8. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
9. Compensatory Afforestation shall be raised at the cost of User Agency over double the extent of diverted forest land at the rate prevailing at the time of approval (at present it is Rs.3,00,000/- per ha.)
10. The User Agency has to pay the Net Present Value (NPV) of forest land diverted under this proposal as per Orders dated 28-3-2008 and 9-5-2008 of the Hon'ble Supreme Court of India.
11. The User Agency shall ensure that no harm is caused to the available fauna and other flora in and around the proposed area.
12. Demarcation of the proposed area shall be carried out appropriately at the cost of user agency.
13. No crushing / breaking of stones shall be allowed inside forest area.
14. No labour camp shall be established on the forest land.
15. The User Agency shall pay the cost of extraction of trees as estimated by the Department (Deputy Conservator of Forests).
16. All waste / debris generated shall be scientifically disposed off outside the forest area.
17. Any damage to forest area due to implementation of the proposal shall be compensated by the User Agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
18. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
19. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
20. The User Agency shall also abide by all the conditions herein or fresh conditions imposed by Government of India, Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force).


Principal Chief Conservator of Forests
(Head of Forest Force)