

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಮಾನ್ಯ ಮಹಾಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003
Aranya Bhavan, 18th Cross
Malleshwaram, Bengaluru-560 003
Telephone: 080 2334 6472
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E-office File No. KFD/HoFF/A5-3(GFL)/9/2021-FC
Encl.: Proposal in 3 sets

E-536485
Date 16-12-2021

To,

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

Sir,

Sub: Diversion of 0.38 ha. of forest land in Sy.No.135, Halathi village, in Kasaba Hobli, Nagamangala Taluk, Mandya District for construction of Approach Road to Mallikarjunaswamy Temple in Nagamangala Taluk, Mandya District in favour of Deputy Director, Tourism Department, PES Engineering College Road, Mandya – 571401.

Proposal No: FP/KA/Approach/143949/2021/Form-A]

- Ref:**
1. Online Proposal [FORM-A PART-I] dated 24-08-2021 (re-submitted) of the of Deputy Director, Tourism Department, Mandya r/w uploading of Acknowledgement on 03-10-2021 for having delivered the hard copies of proposal to jurisdictional Deputy Conservators of Forests and Deputy Commissioner
 2. This office online communication dated 05/10/2021 to Deputy Conservators of Forests, Mandya Division for further processing of the proposal
 3. Online submission of PART-II on 21/10/2021 by Deputy Conservator of Forests, Mandya Division [letter No. C1/LAND/FC/Halathi/CR/2021-22 dated 22/10/2021]
 4. Online submission of PART-III on 12-11-2021 by Chief Conservator of Forests, Mysore Circle [letter No. C1/LAND/FC/CR – 03/ 2021-22 dated 12-11-2021]

1. The Deputy Director, Tourism Department, Mandya [USER AGENCY] vide ref (1) has (re)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 0.38 ha. of forest land in Sy.No.135, Halathi village in Kasaba Hobli,

Nagamangala Taluk, Mandya District for construction of approach road to Mallikarjunaswamy Temple in Nagamangala Taluk, Mandya District in favour of Deputy Director, Tourism Department, PES Engineering College Road, Mandya. After acceptance of the proposal by Nodal Officer (FCA) for further processing, the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Mandya Division and Deputy Commissioner, Mandya District and has uploaded the acknowledgment on the web portal on 03/10/2021. Accordingly, an online communication was made by Nodal Officer (FCA) vide ref (2) to the Deputy Conservator of Forests, Mandya Division 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.	Project components	Forest extent proposed for diversion (ha)	Legal Status of land
Mandya District, Nagamangala Taluk, Kasaba Hobli	Halathi	135	Carriageway [760 x 4 Mtr]	0.304	Deemed Forest
			Shoulder [760 x 0.5Mtr]	0.038	
			Drain [760 x 0.5Mtr]	0.038	
			Total	0.38	

3. DCF, Mandya Division Report: The Deputy Conservator of Forests, Mandya Division has inspected the site on 23/09/2021 and vide ref (3) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Mysore Circle. Main features of the proposal based upon the report of Deputy Conservator of Forests, Mandya, r/w report of Chief Conservator of Forests, Mysore Circle and that of ICT Centre of Forest Department are summarized below:-

- The forest land proposed for diversion is not vulnerable to soil erosion.
- The forest land proposed for diversion is in general landscape of Eco-class III (**Tropical Dry Deciduous Forest**) with Open Forest (Canopy Density of <4.0).
- As per Item 4(ii) of PART-II, there are 7 trees on the forest land proposed for diversion.
- No major wild animals are reported in and around the project area.
- 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 site 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.
4. **CCF, Mysore Circle Report:** The Chief Conservator of Forests, Mysore Circle has inspected the site on 10/11/2021 and vide ref (4) has submitted his report along with recommendation in PART-III. However, agreeing with the recommendations of the Deputy Conservator of Forests, Mandya Division, the Chief Conservator of Forests, Mysore Circle has also recommended the proposal and vide ref (4) has submitted his specific comments in Item 16 of PART-II/III of the proposal.
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 F.No. 5-2/2017-FC dated 28-03-2019. **The User Agency has uploaded/submitted an Undertaking agreeing to pay the Net Present Value (NPV) of the forest land proposed for diversion.**
6. **Compensatory Afforestation (CA):** Present proposal involves diversion of less than one hectare of forest land. The latest FC Guidelines are silent on the requirement of equivalent extent of non-forest land for the FC proposals involving diversion of forest land up to one hectare. However, Para 3.2(viii) of the immediately previous FC Guidelines exempted such proposals from requirement of raising CA. Therefore, the present FC proposal may also be exempted from the requirement of raising CA. However, Para 2.6 (i) of the latest FC guidelines mentioned above mandates that the cost of plantation (including ten years maintenance) of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum number of 100 plants) shall be levied from the User Agency towards Compensatory planting. Accordingly, **the User Agency will be required**

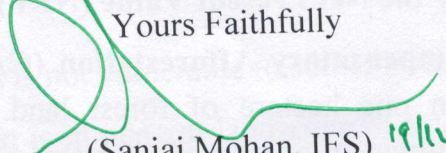
to pay the applicable charges in accordance with the PCCF (HoFF) O.M. KFD/HOFF/A5-3(GFL)/34/2019-FC [E-88289] dated 19-04-2021, in case any tree is required to be felled for the purpose of construction of the proposed road. The User Agency has uploaded/submitted an Undertaking agreeing to pay the required charges.

7. **Status of RoFR compliance:** 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 (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 once again to obtain the said Certificate in prescribed format and submit the same.

In light of the facts stated above and agreeing with the recommendation made by the field officers, it is requested to recommend the proposal to Government of India for according 'in-principle' (Stage-I) approval for diversion of 0.38 ha. of forest land in Sy.No.135, Halathi village, in Kasaba Hobli, Nagamangala Taluk, Mandya District for construction of Approach Road to Mallikarjunaswamy Temple in Nagamangala Taluk, Mandya District in favour of Deputy Director, Tourism Department, PES Engineering College Road, Mandya for a period of 20 years (or the project life whichever is earlier) subject to production of RoFR 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 (Timeline) of the proposal obtained from the FC webportal is also appended for information.


ರಾಜೀಶ್ವರಿಗಿಡ
ಮಾಂಸ... 19/11/21


Yours Faithfully
(Sanjai Mohan, IFS) 19/11/21
Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Chief Conservator of Forests, Mysore Circle, Mysore for information.
2. Deputy Conservator of Forests, Mandya Division, Mandya for information.
3. Deputy Director, Tourism Department, PES Engineering College Road, Mandya-571401 for information and with the request to obtain the RoFR 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(may be downloaded from FC web portal)and submit authenticated/ attested copies before seeking the final approval under the Forest (Conservation) Act, 1980.

1. Name of the project: _____

2. Location of the project: _____

3. Name of the proponent: _____

4. Name of the project manager: _____

5. Name of the local authority: _____

6. Name of the forest officer: _____

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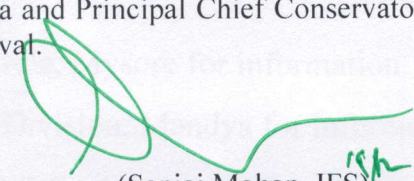
98. Name of the forest guard: _____

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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 (if any), 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 Lessee shall provide sign ages in appropriate dimensions and nature on both sides of the proposed road within forest limits for sensitisation of general public towards the forest, wildlife and environmental issues in consultation with the jurisdictional Deputy Conservator of Forests.
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>(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.)</p>	<p>Recommended for according 'in-principle' (Stage-I) approval for diversion of 0.38 ha. of forest land in Sy.No.135, Halathi village, in Kasaba Hobli, Nagamangala Taluk, Mandya District for construction of Approach Road to Mallikarjunaswamy Temple in Nagamangala Taluk, Mandya District in favour of Deputy Director, Tourism Department, PES Engineering College Road, Mandya for a period of 20 years (or the project life whichever is earlier) subject to production of RoFR Certificate in FORM-I (for Linear projects) and further subject to the conditions appended in Annexure 'A'.</p> <p>[Proposal No. FP/KA/APPROACH/143949/2021]</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: 32/2021-22

Date: 30-12-2021