

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 ಅಡ್ಡ ರಸ್ತೆ,

ಮಲ್ಲೇಶ್ವರಂ ಬೆಂಗಳೂರು-560003

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No. A5(2).GFL.CR-19/2012-13

E-61869

E-office No. KFD/HOFF/A52K(GFL)/01/2018-FC

Date 18-12-2019

Enclosure: 3 sets of proposal.
To,

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

Sir,

Sub: Diversion of 10.45 hectare of forest land in Devalli, Kalambuli and Konashet Villages in Kyasalaraka Hobli, Joida Taluk, Uttara Kannada District (Haliyal Forest Division & Kali Tiger Reserve) for doubling of Tinaighat – Castlerock- Carzon Railway line (South Western Railways) in favour of Chief Engineer (Construction), Club Road, Keshwapur, Hubballi, Dharwad District

Proposal No. FP/KA/RAIL/34288/2018

- Ref:**
1. Online [FORM-A (PART-I)] proposal dated 21-06-2018 of Chief Engineer (Construction), Club Road, Keshwapur, Hubballi r/w uploading of Acknowledgement on 05-10-2018 for having delivered hard copies of proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner
 2. This office online communication dated 20-10-2018 to Deputy Conservator of Forests, Haliyal Division and Conservator of Forests & Director, Kali Tiger Reserve, Dandeli [for processing of proposal]
 3. Online submission of PART-II on 21-10-2019 & 08-11-2019 by Deputy Conservator of Forests, Haliyal Division r/w online reply dated 07-11-2019 by User Agency to the latest EDS Query [Letter No. D1/GFL/RLDK/FC/CR/2019-20 dated 19-10-2019]
 4. Online submission of PART-II on 08-11-2019 by Director Kali Tiger Reserve, Dandeli [Letter No. B4/Land/FC/T-C-C railway/CR-19/2019-20 dated 08-11-2019]
 5. Online submission of PART-III on 08-11-2019 by the Chief Conservator of Forests, Kanara Circle, Sirsi [Letter No. B2/GFL/CR- 25/2019-20/50361 dated 08-11-2019]

1. The Chief Engineer (Construction), South Western Railway, Club Road, Keshwapur, Hubballi [USER AGENCY] has submitted an online proposal

[FORM-A (PART-I)] on 21-06-2018 seeking approval under the Forest (Conservation) Act, 1980, for diversion of 10.45 hectare of forest land in Devalli, Kalambuli and Konashet Villages in Kyasalaraka Hobli, Joida Taluk, Uttara Kannada District (Haliyal Forest Division & Kali Tiger Reserve) for doubling of Tinaighat – Castlerock- Carzon Railway line through Rail Viaks Nigam Limited. The same was accepted by Nodal Officer (FCA) on 17-09-2018 for further processing. After receiving the Acknowledgement online on 05-10-2018 for having delivered the hard copies by the User Agency to the jurisdictional Deputy Conservator of Forests & Conservator of Forests and to the Deputy Commissioner, Uttara Kannada District, the Online link was forwarded to the Deputy Conservator of Forests, Haliyal Division and Conservator of Forests & Director, Kali Tiger Reserve, Dandeli on 20-10-2018 for field verification and further processing under Section 2 of the Forest (Conservation) Act, 1980.

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

District, Taluk, Hobli	Name of Forest Administrative Unit	Village	Sy No.	Forest Land (ha)	Name of Project component	Legal status of land
Uttara Kannada District, Joida Taluk, Kyasalaraka Hobli	Haliyal Division	Devalli	4/A1/A1/A1/A1/A1	0.14	Railway Line	Reserved Forest
			10A	0.24		
			4	0.15		
			10 B	0.03		
		Konashet	7/1/A	0.32		
		Haliyal Division Total (A)				
	Kali Tiger Reserve	Kalambuli	3/A/1/A/1/A/1	8.19		Protected forest
			17	1.38		
		Kali Tiger Reserve Total (B)				
Grand Total (A + B)				10.45		

3. **DCF, Haliyal Report:** The Deputy Conservator of Forests, Haliyal Division has inspected the site on 05-10-2019 and has, vide Ref (3) submitted the Site Inspection Report along with details of the site in the form of PART-II of the proposal to Conservator of Forests, Kanara Circle. Main features of the forest land proposed for diversion as per DCF Haliyal report r/w reports of CF Kanara Circle and that of ICT Centre of Forest Department are as follows.

- The forest land proposed for diversion is in general landscape of Eco-class I (Tropical Wet Evergreen Forests/ Tropical Semi Evergreen Forests/ Topical Moist Deciduous Forests) with Very Dense (>0.6) canopy density.
- As per Item 4(ii) of PART-II, there are 181 trees on the forest land proposed for diversion. Major tree species include Terminalia tomentosa, Lagerstroemia lanceolata, Terminalia paniculata, Dalbergia latifolia and various jungle wood species.

- c. The forest land proposed for diversion is in a high rainfall area and is prone to soil erosion. *[Note: The entry made in Item 6 of PART-II may be read accordingly.]*
 - d. Major wild animals found in and around the project area include Spotted deer, Sloth bear, Hare, Hornbills, among others.
 - e. There are no other rare / endangered / unique species of flora and fauna reported in the forest area proposed for diversion.
 - f. The forest land proposed for diversion (*within Haliyal Divison limits*) does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor.
 - g. The forest land proposed for diversion (*within Haliyal Divison limits*) 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 diversion (*within Haliyal Divison limits*).
 - i. There are no Protected/ Archeological/ Heritage Sites/ Defence establishments located in the proposed area.
 - j. The forest area proposed for diversion is the bare minimum and unavoidable.
 - k. There is no violation reported under Forest (Conservation) Act, 1980.
4. **CF & Director, Kali Tiger Reserve, Dandeli Report:** The Conservator of Forests & Director, Kali Tiger Reserve, Dandeli has inspected the site on 05-11-2019 and has, vide Ref (4) submitted the Site Inspection Report along with details of the site in the form of PART-II of the proposal to Conservator of Forests, Kanara Circle. Main features of the forest land proposed for diversion as per CF & Director, Kali Tiger Reserve report r/w reports of CF Kanara Circle and that of ICT Centre of Forest Department are as follows.

[Note: There are a few incorrect entries online in certain Items of PART-II of the proposal pertaining to Kali Tiger Reserve, Dandeli. As these entries cannot be edited online because of technical restrictions on FC web portal, the CF & Director, Kali Tiger Reserve, has submitted the corrected entries vide hard copy of the proposal submitted vide Ref (4). Accordingly, these corrections have been taken into account below.]

- a. The forest land proposed for diversion is in general landscape of Eco-class I (Tropical Wet Evergreen Forests/ Tropical Semi Evergreen Forests/ Topical Moist Deciduous Forests) with Very Dense (>0.6) canopy density.

- b. As per Item 4(ii) of PART-II, there are 3361 trees on the forest land proposed for diversion. Major tree species include *Memecylon talbotianum*, *Ficus racemosa*, *Olea dioica*, *Garcinia cambogia*, *Symingtonia populnea*, *Lophopetalum wightianum*, *Caryota Urens*, and various kinds of Jungle wood species. It is further reported that, in addition to these trees, there are 2097 trees marked in the existing ROW of the present railway line (the land already under the control of User Agency).
- c. The forest land proposed for diversion is in a high rainfall area (8142 mm at Castle Rock area in 2019) and is highly vulnerable to soil erosion. The proposed work includes digging, making tunnels which would lead to high soil erosion in the high altitude evergreen forests. It is further reported that the damage on forest floor would be irreversible and streams and rivers would be silted up. [Note: The online entry made in Item 6 of PART-II may be ignored.]
- d. Major wild animals found in and around the project area include tiger, Leopard (including Black panther), Indian gaur, Sloth bear, Sambar, Spotted deer, Hornbills, among others. It is further reported that the area harbours good density of reptiles and amphibians and bird liufe. The castle Rock Night frog is endemic to this area. [Note: The entry made in Item 6 of PART-II may be read accordingly.]
- e. There are rare / endangered / unique species of flora and fauna found in the forest area proposed for diversion. It is further reported that the area is rich in medicinal flora like *Selatia spp.*, *Saraca asoca*, *Madhuca bourdillonii*, etc.
- f. The forest land proposed for diversion forms part of Dandeli Wildlife Sanctuary which is part of Kali Tiger Reserve [and hence obviously its Eco-Sensitive Zone (ESZ) outside].
- g. There are no Protected/ Archeological/ Heritage Sites/ Defence establishments located in the proposed area.
- h. The forest area proposed for diversion is the bare minimum and unavoidable.
- i. There is no violation reported under Forest (Conservation) Act, 1980.

The CF & Director, Kali Tiger Reserve, in his Site Inspection Report dated 05.11.2019 has further stated that the area is in rich semi-evergreen to evergreen forest interspersed with vast grasslands where this project will cause negative impact on wildlife. There are already Alnavar-Londa-Vasco and Londa-Kanapur Railway lines in the region where many wildlife casualties due to train accidents have happened. The issue was brought to the notice of the railway authorities but no mitigation measures had been taken to safe guard wild animals. He has suggested that the expert team should study the impact of railway doubling and suitable mitigation measures may be planned to prevent wildlife casualties in

feature. He has recommended the proposal with suitable wildlife mitigation measures to be taken by the User Agency.

5. **CCF, Kanara Circle Report:** The Chief Conservator of Forests, Kanara Circle, Sirsi has inspected the proposed area personally on 08-11-2019 and, vide Ref (5) has submitted the Site Inspection Report in PART-III online. Agreeing with the recommendation made by the Deputy Conservator of Forests, Haliyal Division and Conservator of Forests & Director, Kali Tiger Reserve, Dandeli, the Chief Conservator of Forests, Kanara Circle has also recommended the proposal.
6. **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 15-06-2018) to pay the charges towards Net Present Value (NPV) of the forest land proposed for diversion.**
7. **Compensatory Afforestation (CA):** In accordance with the provisions of para 2.5 (f) of the 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 being a central Government agency implementing a Central Government project 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, Haliyal Division has identified an extent of 21.0 hectare (out of 23.2 hectare gross area shown in KML file) in Belavattagi Reserved Forest in Sy no. 69 (*as per ICT center report but has been mentioned as 95 in the Deputy Conservator of Forests, Haliyal report*) of Belavattagi village, Murakwad Hobli, Haliyal Taluk, Uttara Kannada District. The Compensatory Afforestation land details in form of KML file, Geo-referenced map and GPS readings, CA Scheme and CA Site Certificate have been uploaded at Item 13 of PART-II pertaining to Kali Tiger Reserve, Dandeli in the proposal. **The User Agency has furnished an Undertaking (dated 15-06-2018) to pay Compensatory Afforestation (CA) charges.** [*Note: In view of the entire Compensatory Afforestation land information having been uploaded at Item 13 of PART-II pertaining to Kali Tiger Reserve, Dandeli, such information uploaded at Item 13 of PART-II pertaining to Haliyal Division being redundant may be ignored.*]
8. **RoFR Compliance:** With regard to compliance to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 and Rules 2008, the User Agency has submitted the required Certificate in FORM-I issued by

the Deputy Commissioner, Uttara Kannada District vide No. R.B/FOR/CR-232/2016-17 dated 16-02-2017 for a lesser extent (2.22 hectare + 7.614 ha = 9.834 ha) as against required 10.45 hectare. **However, the User Agency is required to obtain ROFR certificate in FORM-I (for linear projects) for the entire 10.45 hectare of forest land from the jurisdictional Deputy Commissioner in accordance with the latest FC guidelines issued vide F.No.5-2/2017-FC dated 28-03-2019.**

9. **Wild life clearance:** As the project area lies in Kali Tiger Reserve (*which also includes Dandeli Wildlife Sanctuary*), **the User Agency is required to obtain wildlife clearance for the project from the National Board For Wild Life.** The User Agency has already applied for seeking wildlife clearance. As the issue of wildlife conflict mitigation measures has to be considered at the time of consideration of the proposal for wildlife clearance, no separate Wildlife Conflict Mitigation Measures are required at this stage.

Under the above circumstances and agreeing with 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 diversion of 10.45 hectare of forest land in Devalli, Kalambuli and Konashet Villages in Kyasalaraka Hobli, Joida Taluk, Uttar Kannada District (Haliyal Forest Division & Kali Tiger Reserve) for doubling of Tinaighat – Castle rock- Carzon Railway line (South Western Railways) in favour of Chief Engineer (Construction), Club Road, Keshwapur, Hubballi, Dharwad District for a period of Thirty (30) years and subject to specific condition for obtaining Wildlife clearance for the project, obtaining ROFR certificate in FORM-I for the entire 10.45 hectare of forest land in accordance with the latest FC guidelines issued vide F.No.5-2/2017-FC dated 28-03-2019 and also subject to the other 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, I.F.S.)

Principal Chief Conservator of Forests
(Head of Forest Force)

o/c

Copy to the:

1. Chief Engineer (Construction) Club Road, Kashwapur Hubballi, Dharwad District for information and necessary action as mentioned above.
2. Chief Conservator of Forests, Kanara Circle, Sirsi for information.

3. Deputy Commissioner, Uttara Kannda District, Karwar for information and with a request to issue ROFR certificate in FORM-I (copy enclosed) for the entire 10.45 hectare of forest land involved in the project.
4. Conservator of Forests & Director Kali Tiger Reserve, Dandeli for information.
5. Deputy Conservator of Forests Haliyal Division for information and with an instruction to revise the CA scheme for the latest rates.


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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 take appropriate measures to avoid accidental deaths of wild animals on the railway track in consultation with the jurisdictional Deputy Conservator of Forests/ Conservator of Forests at the project cost.
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, I.F.S.)

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 diversion of 10.45 hectare of forest land in Devalli, Kalambuli and Konashet Villages in Kyasalaraka Hobli, Joida Taluk, Uttar Kannada District (Haliyal Forest Division & Kali Tiger Reserve) for doubling of Tinaighat – Castle rock- Carzon Railway line (South Western Railways) in favour of Chief Engineer (Construction), Club Road, Keshwapur, Hubballi, Dharwad District for a period of Thirty (30) years and subject to specific condition for obtaining Wildlife clearance for the project, obtaining ROFR certificate in FORM-I for the entire 10.45 hectare of forest land in accordance with the latest FC guidelines issued vide F.No.5-2/2017-FC dated 28-03-2019 and also subject to the other conditions appended in Annexure 'A'.</p> <p>Proposal No.FP/KA/RAIL/34288/2018</p>
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Signature:

Name:

(Rajiv Ranjan, IFS)

Designation:

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

Signature:

Name:

(Punati Sridhar, IFS)

Designation:

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

N.D.O. No. 25 /20 19-20

(Official Seal)

Dated /12/2019

