

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ
Office of
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ
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E-office File No. KFD/HoFF/A5-4(GFL)/12/2021-FC
Encl.: ಫೋರಂ (A) sets of proposal

E-498607
Date 27-12-2021

To,

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

Sir,

Sub: Diversion of 0.913 ha Forest land in Sy No.25 of Thindlu Village and Sy No.7 of Tarabahalli Village of Jadigenahalli Hobli, Hosakote Taluk, Bangalore Rural District, for Special road repairs and Improvement to road from IOCL connecting to HP gas and reaching to ITC foods Ltd., from IOCL junction to upto Sy No.19/1 Thindlu Village, Jadigenahalli Hobli, Hosakote Taluk, Bangalore Rural District in favor of Executive Engineer, Public Works Division (PWD), Hoskote Sub-division, NH-75 Service Road, Hoskote, Bangalore Rural -562114

Proposal No: FP/KA/ROAD/141816/2021[Form-A]

- Ref:**
1. Online Proposal [FORM-A PART-I] dated 12-07-2021(re-submitted) of the Executive Engineer, Public Works Division (PWD), Hoskote Sub-division r/w uploading of Acknowledgement on 04-08-2021 for having delivered the hard copies of proposal to jurisdictional Deputy Conservators of Forests and Deputy Commissioner
 2. This office online communication dated 07-08-2021 to Deputy Conservators of Forests, Bangalore Rural Division for further processing of the proposal
 3. Online submission of PART-II on 06-10-2021 by Deputy Conservator of Forests, Bangalore Rural Division [letter No. A4/DCF/PWD/141816/FC/CR-2/2021-22/02 dated 08-10-2021]
 4. Online submission of PART-III on 13-10-2021 by Chief Conservator of Forests, Bangalore Circle [letter No. A11/CCF/Bhoomi/CR-46/2021-22 dated 11-10-2021]

1. The Executive Engineer, Public Works Division (PWD), Hoskote Sub-division, Hoskote, Bangalore Rural [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 0.913 ha Forest land in Sy No.25 of Thindlu Village and Sy No.7 of Tarabahalli Village of Jadigenahalli Hobli, Hosakote Taluk, Bangalore Rural District, for Special road repairs and Improvement to road from IOCL connecting to HP gas and reaching to ITC foods Ltd., from IOCL junction to upto Sy No.19/1 Thindlu Village, Jadigenahalli Hobli, Hosakote Taluk, Bangalore Rural District in favor of Executive Engineer, Public Works Division (PWD), Hoskote Sub-division, NH-75 Service Road, Hoskote, Bangalore Rural. 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, Bangalore Rural Division and Deputy Commissioner, Bangalore Rural District and has uploaded the Acknowledgment on the web portal on 04-08-2021. Accordingly, an online communication was made by Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Bangalore Rural 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
Bangalore Rural District, Hoskote Taluk, Jadigenahalli Hobli	Thindlu Village	25	Road [1160 m x 6 m]	0.2653	* Thindlu Plantation
	Tarabanahalli Village	07		0.6477	
Total				0.913	

**Mysore Government Notification No. 10407 Ft. F.153-95, dated 29-05-1896 (Gazette dated 11-06-1896)*

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

Name of Project component (Road 1160 m x 6 m)		Forest extent proposed for diversion (ha)
1	Shoulder	0.1375
2	Drain	0.1375
3	Carriage Way	0.638
Total		0.913

3. **DCF, Bangalore Rural Division Report:** The Deputy Conservator of Forests, Bangalore Rural Division has inspected the site on 27-08-2021, 03-08-2021 and 01-10-2021 and vide Ref (3) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Bangalore Circle. Main features of the proposal based upon the Deputy Conservator of Forests, Bangalore Rural Division report r/w report of Chief Conservator of Forests, Bangalore Circle and that of ICT Centre of Forest Department are summarized below.

- a. The forest land proposed for diversion is not prone to soil.
- b. The forest land proposed for diversion is in general landscape of Eco-class III (**Tropical Dry Deciduous**) with Open Forest (Canopy Density of <0.4).
- c. As per Item 4(ii) of PART-II, there are no trees on the forest land proposed for diversion.
- d. Major wild animals present in and around the project area include the Wild Cat, Spotted deer, Wild Pig, Hare, Peafowl and Snakes etc.
- 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 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, Bangalore Circle Report:** The Chief Conservator of Forests, Bangalore Circle has not inspected the site personally. However, agreeing with the recommendations of the Deputy Conservator of Forests, Bangalore Rural Division, the Chief Conservator of Forests, Bangalore 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.

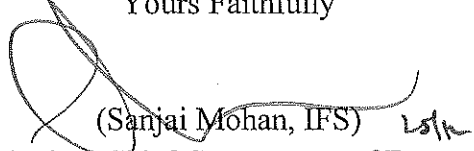
5. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land proposed for diversion as per Para 3.1 to 3.4 of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 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 within 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 constriction of the proposed road. The User Agency has also submitted an Undertaking dated 02-06-2021 to pay the Compensatory Afforestation 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 accord/seek 'in-principle' (Stage-I) approval for diversion of 0.913 ha Forest land in Sy No.25 of Thindlu Village and Sy No.7 of Tarabahalli Village of Jadigenahalli Hobli, Hosakote Taluk, Bangalore Rural District, for Special road repairs and Improvement to road from IOCL connecting to HP gas and reaching to ITC foods Ltd., from IOCL junction to upto Sy No.19/1 Thindlu Village, Jadigenahalli Hobli, Hosakote Taluk, Bangalore Rural District in favor of Executive Engineer, Public Works

Division (PWD), Hoskote Sub-division, NH-75 Service Road, Hoskote, Bangalore Rural 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.


Yours Faithfully


(Sanjai Mohan, IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

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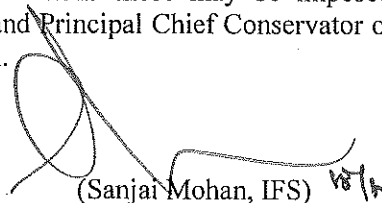
1. Chief Conservator of Forests, Bangalore Circle, Bangalore for information.
2. Deputy Conservator of Forests, Bangalore Rural Division, Devanahalli for information.
3. The Executive Engineer, Public Works Division (PWD), Hoskote Sub-division, NH-75 Service Road, Hoskote, Bangalore Rural – 562 214 for 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.

O/c


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29-12-2021

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 signages 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.

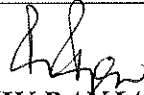

(Sanjai Mohan, IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

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><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 according/ seeking 'in-principle' (Stage-I) approval for Diversion of 0.913 ha Forest land in Sy No.25 of Thindlu Village and Sy No.7 of Tarabahalli Village of Jadigenahalli Hobli, Hosakote Taluk, Bangalore Rural District, for Special road repairs and Improvement to road from IOCL connecting to HP gas and reaching to ITC foods Ltd., from IOCL junction to upto Sy No.19/1 Thindlu Village, Jadigenahalli Hobli, Hosakote Taluk, Bangalore Rural District in favor of Executive Engineer, Public Works Division (PWD), Hoskote Sub-division, NH-75 Service Road, Hoskote, Bangalore Rural 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/ROAD/141816/2021]</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:

(SANJAY MOHAN, IFS)

Designation:

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

(Official Seal)

N.D.O. No: 34/2020-22

Date: 29-12-2021

