

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ
Office of
Principal Chief Conservator of Forests
(Head of Forest Force)



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Encl: 2 sets of compliance report

E- 61869

Date 14-12-2021

17

To,

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

Sir,

Sub: Diversion of 10.45 hectare of forest land in Devalli, Kalambuli and Konashet Villages in Kyasalaraka (Castle Rock) Hobli, Joida Taluk, Uttar 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 [Stage-I approved]

Ref:

1. Government of India, Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Bengaluru letter F.No. 4 KRB 1227/2020-BAN/1171 Dated 04-02-2021 [Stage-I approval]
2. Government of Karnataka letter No. FEE 02 FLL 2020 (e) dated 15-02-2021 [communication of Stage-I approval]
3. This office letter even No. dated 16-02-2021 [communication of Stage-I approval to User Agency and Field officers]
4. Rail Vikas Nigam Limited, Hubli letter No. RVNL/PIU/HUBLI/Forest/WL dated 09-09-2021 [Compliance Report]
5. Deputy Conservator of Forests, Haliyal Division letter No. D1/RAIL/CR-102/2018-19/1973A dated 09-11-2021 [Compliance Report to CCF, Kanara Circle]
6. Deputy Conservator of Forests & Director, Kali Tiger Reserve, Dandeli letter No. B4/Land/FC/Railway/CR-9/2021-22 dated 08-10-2021 [Compliance Report to CCF, Kanara Circle]
7. Chief Conservator of Forests, Kanara Circle, Sirsi letter No.

The Government of India vide ref (1) have accorded 'in-principle' (Stage-I) approval for diversion of 10.45 hectare of forest land in Devalli, Kalambuli and Konashet Villages in Kyasalaraka (Castle Rock) Hobli, Joida Taluk, Uttar 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 subject to fulfillment of certain conditions.

The same was forwarded to this office by the Government of Karnataka vide ref (2) with a direction to submit the compliance report of conditions of Stage-I approval.

Accordingly, this office vide ref (3) informed the User Agency and field officers for further action to submit the compliance report in respect of the conditions of Stage-I approval.

In response, the User Agency vide ref (4) has submitted the condition-wise compliance report to the Deputy Conservator of Forests, Haliyal Division & Kali Tiger Reserve, who after verification have vide ref (5) & (6) submitted the condition wise compliance to the Chief Conservator of Forests Kanara Circle, Sirsi who has further submitted the same to this office vide ref (7).

Based on the reports received, the status of compliance to the conditions of Stage-I approval is as under.

Stage-I approval condition		Status of Compliance									
Conditions which need to be complied prior to handing over of forest land by the State Forest Department.											
1	The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in writ petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No.5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into CAMPA account of the State concerned.	<p>The user agency has paid Net Present Value (NPV) of Rs. 6,02,74,970/- vide UTR No. UTIBR52021040900365291 dated: 09-04-2021. (Total amount transferred under this UTR is Rs. 9,37,27,970/- which includes NPV and CA)</p> <p>Copy of Payment Page Print taken from FC Web portal is enclosed [Annexure-I]</p> <p>Break up NPV amount is as follows.</p> <table><tr><th>Division</th><th>Extent</th><th>Paid by User Agency @ 10,43,000/Ha</th></tr><tr><td>Haliyal Division</td><td>0.88</td><td>917840</td></tr><tr><td>Wildlife Sanctuary</td><td>9.57 X 5 times</td><td>49907550</td></tr></table>	Division	Extent	Paid by User Agency @ 10,43,000/Ha	Haliyal Division	0.88	917840	Wildlife Sanctuary	9.57 X 5 times	49907550
Division	Extent	Paid by User Agency @ 10,43,000/Ha									
Haliyal Division	0.88	917840									
Wildlife Sanctuary	9.57 X 5 times	49907550									

		Non-forest area falling within Wildlife Sanctuary	9.06	9449580
		Total		60274970
2	The user Agency shall transfer the cost raising and maintaining the compensatory Afforestation over the extend of 21.0Ha of degraded forest land in Sy.No.69 of Belvattagi village, Belavattagi Reserve Forest, Murakwad Hobli, Haliyal Taluk, Uttar Kannada District at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme shall include demarcation of CA area using appropriate fencing for better survival with provision for watering and SMC works and appropriate provision for anticipated cost increase for works scheduled for subsequent years.	<p>The user agency has paid compensatory afforestation amount of Rs. 3,34,53,000/- (21 ha @ Rs.15.93 lakhs/ha) vide UTR No. UTIBR52021040900365291 dated: 09-04-2021. (Total amount transferred under this UTR is Rs. 9,37,27,970/- which includes NPV and CA)</p> <p>Copy of Payment Page Print taken from FC Web portal is enclosed [Annexure-I]</p> <p>In the meantime, the CA rates have been revised to Rs. 17.08 lakh per ha w.e.f. 19-04-2021. Therefore, the User Agency will be required to pay the difference amount and is being intimated in this regard.</p>		
3	The user Agency shall restrict the felling of trees to minimum number in the diverted forest land the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.	<p>The User Agency has agreed to this and furnished a consolidated undertaking to that effect. [ANNEXURE-II]</p>		
4	All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal(https://parivesh.nic.in/). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance	<p>The user agency has paid Net Present Value (NPV) and compensatory afforestation charges of Rs. 9,37,27,970/- vide UTR No. UTIBR52021040900365291 dated: 09-04-2021.</p> <p>Copy of Payment Page Print taken from FC Web portal is enclosed [Annexure-I]</p>		
5	The Compliance report shall be uploaded on e-portal(https://parivesh.nic.in/)	<p>The user agency has uploaded the compliance report in e-portal.</p>		
6	The complete compliance of FRA, 2006 shall be ensured by the way prescribed certificate from the	<p>The User Agency has furnished the RoFR Certificate in FORM-I (for linear projects) issued by the Deputy Commissioner,</p>		

	concerned District Collector.	Uttara Kannada District vide R.B/FOR/CR-E174674/20-21 dated 15-06-2021 which is enclosed as ANNEXURE III .
7	The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates.	The boundary of the diverted forest land has been demarcated and RCC boundary pillars have been erected. Photos of the boundary stones erected are enclosed [Annexure-IV] .
8	Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No.5-2/2017-FC dated.28-03-2019.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:		
1	The legal status of the diverted forest land shall remain unchanged	The legal status of the forest land remains unchanged and the land continues to be forest land. It will be further monitored by the Forest Department in future.
2	Compensatory Afforestation shall be raised over double the extent of degraded forest land within three years from the date of Stage-II Clearance and maintained there after by the concerned State Forest Department at the cost of the User Agency and at least *1000 plants per hectare shall be planted over identified degraded forest land within three years of grant of final approval. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan with provision for ten years on subsequent maintenance.	The Forest Department will take up the compensatory afforestation in the degraded forest land. The CA charges are deposited by the User agency.

3	At the time of payment of the Net present Value (NPV) at the then prevailing rate the User Agency shall furnish an undertaking to pay the additional amount of NPV. If so determined, as per the final decision of the Hon'ble Supreme Court of India.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
4	All statutory clearances including Environment Clearance: if applicable shall be obtained before commencing the work in forest area.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
5	Tree felling shall be restricted to the barest minimum possible and under confirmation from the local forest officials.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
6	The conditions stipulated by the standing committee of National Board for wildlife and Chief Wildlife Warden shall be strictly complied with.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
7	The mitigation measures as proposed by Wildlife Institute of India in Tinaighat to Caranazol stretch of forest needs to be strictly adhered to.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
8	Suitable soil moisture conservation works needs to be taken up on either side of the track, wherever vulnerable.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
9	To address the apprehensions of the people as well as to prevent spillage of one, coal, etc., all the rakes of the freight trains shall have a spill proof/ sealed cover, which is presently absent.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
10	Further, provision for long term monitoring of the impact of the project, the effectiveness of the mitigation measures undertaken and analysis of course corrections required if any should be part of the Management plan to ensure long time wellbeing of the forests & wildlife.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
11	The railway authorities shall issue standing instructions to its staff and officers concerned to closely co-ordinate and co-operate with the local	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]

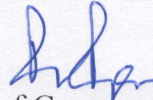
	State Forest Department officials during and after the project implementation.	
12	The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
13	No labour camp shall be established in the forest land.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
14	Sufficient firewood, preferably the alternate fuel, shall be provided by the user Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
15	The forest land proposed to be diverted shall under no circumstances be transferred to any other agency department or person without prior approval of the Central Government;	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
16	No damage to the flora and fauna of the adjoining area shall be caused.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
17	The layout plan of the proposal shall not be changed without the prior approval of the Central Government.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
18	The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.	Action will be taken by the State Forest Department to mitigate the adverse impact.
19	The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government and integrated Regional Office, Bangalore by the end of March every year.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]

20	The user agency shall comply with all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court order(s) and NGT order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.	The User Agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE-II]
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Under the above circumstances and agreeing with the recommendation of the field officers, **it is requested to move the matter with the Government of India, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Bengaluru to consider according the final (Stage-II) approval** for diversion of 10.45 hectare of forest land in Devalli, Kalambuli and Konashet Villages in Kyasalaraka (Castle Rock) Hobli, Joida Taluk, Uttar 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.

The relevant documents in 2 sets are submitted here with for kind perusal and further action.

Yours faithfully,



Principal Chief Conservator of Forests
(Forest Conservation) & Nodal Officer (FCA)

Copy to the:

1. Chief Conservator of Forests, Kanara Circle, Sirsi for information.
2. Deputy Conservator of Forests, Haliyal Division for information and **with an instruction to issue a Supplementary Demand Notice to the User Agency for recovery of differential CA amount payable asking to upload on FC web portal for generating challan before making payment.**
3. Deputy Conservator of Forests and Director, Kali Tiger Reserve, Dandeli for information.
4. Chief Engineer (construction), Club Road, Keshawapur, Hubballi, Dharwad District for information **with a request to obtain a Supplementary Demand Notice from Deputy Conservator of Forests, Haliyal Division towards differential CA amount payable and upload on FC web portal for generating challan before making payment.**