



भारत सरकार
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
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BY SPEED POST

F.No.4-KRA1178/2019-BAN/
Dated the 20th February, 2019

1626

To

The Additional Chief Secretary to Government of Karnataka,
Forest, Ecology & Environment Department,
M.S.Building, Dr.Ambedkar Veedhi,
Bangalore – 560 001.

Subject: Diversion of 41.2081 ha. of forest land in Babiganahalli and 21 other villages in various Taluks and Districts (Gubbi and Tiputur Taluks of Tumkur District, Arasikere Taluk of Hassan District, Kadur and Tarikere Taluks of Chikkamagalur District and Bhadravathi Taluk of Shivamogga District) for widening of existing 2 lane to 4 lane of National Highway (NH -206) from Tumkur to Shivamogga Section under NHDP (12+310 km to 217+000 km) in favour of the Project Director, National Highways Authority of India (NHAI), Project Management Unit, Chitradurga.

Sir,

I am directed to refer to the State Government's letter FEE 101 FLL 2018 dated 18/01/2019 and 14/02/2019 seeking prior approval of the Central Government under Section '2' of the Forest (Conservation) Act, 1980 for the above project.

The proposal was examined by the Regional Empowered Committee constituted under sub-rule (1) of rule 4A of the Forest (Conservation) Rules, 2003 in its meeting held on 15/02/2019.

After careful examination of the proposal of the State Government and on the basis of the approval of the Regional Empowered Committee, the Central Government hereby conveys the in-principle approval (**Stage-I**) for the diversion of 41.2081 ha. of forest land in Babiganahalli and 21 other villages in various Taluks and Districts (Gubbi and Tiputur Taluks of Tumkur District, Arasikere Taluk of Hassan District, Kadur and Tarikere Taluks of Chikkamagalur District and Bhadravathi Taluk of Shivamogga District) for widening of existing 2 lane to 4 lane of National Highway (NH -206) from Tumkur to Shivamogga Section under NHDP (12+310 km to 217+000 km) in favour of the Project Director, National Highways Authority of India (NHAI), Project Management Unit, Chitradurga, for a period of 20 years, subject to the following conditions:-

1. The legal status of forest land shall remain unchanged.
2. The demarcation of the common boundary of the forest area being diverted shall be carried out by erecting cement concrete pillars duly numbered at an interval of 20 meters at the cost of User Agency, before Stage-II approval.

3. The cost of raising Compensatory Afforestation over double the degraded forest land over an extent of 83.00 ha. in Sy.No. 14 of Kurihalli and Sy.No. 20 of Mucchaveeranahalli village, Hagalvadi Hobli, Gubbi Taluk of Manchaladore State Forest, Tumkur District shall be realized from the User Agency. Area identified for Compensatory Afforestation needs to be demarcated using Chain link fencing for better survival. A detailed model for Compensatory Afforestation inclusive of chain-link fencing, irrigation and SMC works etc., needs to be prepared before Stage-II approval by the State Forest Department and the same may be implemented at the cost of User Agency on Stage-II approval.
4. The State Government shall charge the Net Present Value of the diverted forest land measuring 41.2081 ha. from User Agency as per the orders of the Hon'ble Supreme Court dated 28.03.2008 and 09.05.2008 in IA Nos.826 in 566 with related IA's in Writ Petition (Civil) No.202/1995.
5. Additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the State Government from User Agency. User Agency shall furnish an undertaking to this effect.
6. User Agency should ensure that Compensatory levies are deposited in the State Compensatory Afforestation Fund notified under Compensatory Afforestation Fund Act, 2016 and explained in the Office Memorandum issued by Ministry of Environment, Forest & Climate Change vide No.11-100/2015-FC(Vol.III) dated 28/09/2018.
7. Necessary certificates/documents under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 as per the guidelines issued by Ministry of Environment & Forests vide letter No.11-9/1998-FC (Pt) dated 05.07.2013 shall be furnished before Stage-II clearance.
8. A Mitigation Plan as approved by the CWLW for Wildlife Conservation in Chavdlapura, Bidrahalli Kaval and Kanchiganahalli areas of Tumkur Division needs to be submitted before Stage-II approval and have to be implemented by the concerned Department/agencies at the cost of User Agency.
9. Tree felling shall be done only when it is unavoidable and under the strict supervision of the State Forest Department.
10. Soil and Moisture Conservation Works shall be taken up in 100 mts on either side of the road passing through forest areas in consultation with State Forest Department. Also, existing water bodies in the vicinity needs to be rejuvenated at the cost of User Agency. The user agency shall furnish an undertaking to this effect.
11. Height of the electric poles may be maintained at 9 mtrs in the forest area.
12. Avenue planting shall be taken up by User Agency along the road on either sides wherever required at the project cost. The plantation shall also be maintained at the project cost. The user agency shall furnish an undertaking to this effect.

13. NHAI authorities shall undertake annual fire protection works in consultation with the Forest Department in the Reserve Forest areas.
14. Any improvement work undertaken by the User Agency shall not block the access to Forest Estate by Forest Department all along the entire length of the NH passing through the forest area.
15. Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
16. No labour camp shall be established on the forest land.
17. The User Agency shall provide fuel preferably alternate fuel, to the labourers and the staff working at project area, so as to avoid any damage and pressure on the nearby forest areas.
18. The forest land should not be used for any purpose other than that specified in the proposal.
19. 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.
20. No damage of the flora and fauna of the adjoining areas shall be caused.
21. The User Agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.
22. The User Agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to this Regional Office of the Ministry, regularly.
23. The User Agency and the State Government shall ensure compliance to the provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.
24. In order to avoid Human-Animal conflict, no parking and resting facility will be provided along the highway, inside the forest area.
25. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
26. The total forest area utilized for the project shall not exceed 41.2081 ha.
27. Any other condition that the Additional Principal Chief Conservator of Forests (Central), Regional Office, Bangalore may impose from time to time for protection,

improvement of flora and fauna in the forest area and public convenience, shall also be applicable.

28. Violation of any of the conditions shall invite penal action, as deemed fit by the Additional Principal Chief Conservator of Forests (Central), Regional Office, Bangalore.

After receipt of the compliance report on the above conditions, the proposal will be considered for final approval. This in-principle approval shall be valid for a period of 5 years and the forest land shall not be transferred to the User Agency prior to the issue of final approval.

Yours sincerely,

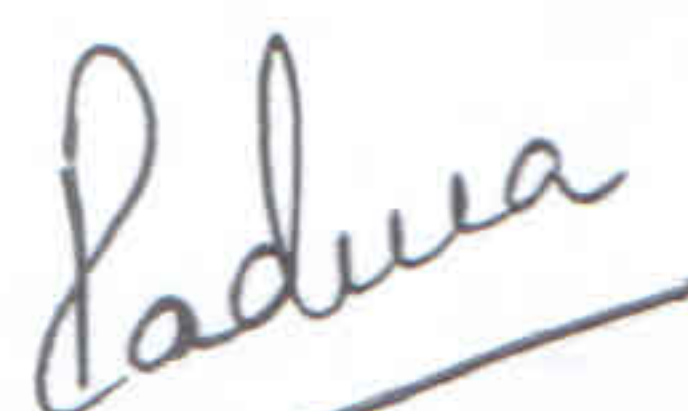


(R. Padmawathe)

Deputy Conservator of Forests (Central)

Copy to:-

1. The Director General of Forests & Special Secretary to Govt. of India, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Agni Wing, Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. The Principal Chief Conservator of Forests (HoFF), Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore – 560 003.
3. The Additional Principal Chief Conservator of Forests/Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore – 560 003.
4. The Project Director, National Highways Authority of India, Project Implementation Unit, JMIT Campus, NH48, Tharalabalu Nagara, Chitradurga -577 502.
5. Guard file.



(R. Padmawathe)

Deputy Conservator of Forests (Central)

