

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ

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



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E-office File No. KFD/HOFF/A5-3(GFL)/4/2021-FC

E- 498639

Encl: 5 sets of compliance report

Date 28-12-2022

To,

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

Sir,

Sub: Diversion of 4.5769 ha of forest land in Sy No. 12 Siriyuru village, Shivamogga District (Bhadravathi Forest Division) for construction of Instrument Landing System in Shivamogga Airport for Social Commercial purpose in favour of the Executive Engineer, Special Division, Public Works Department Shivamogga.

Proposal No. FP/KA/Others/141683/2021 [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 1339/2022-BAN/54 Dated 25-07-2022 [Stage-I approval]
 2. Government of Karnataka letter No. FEE 06 FLL 2022 (e) dated 30-08-2022 [communication of Stage-I approval]
 3. This office letter even No. dated 08-09-2022 [communication of Stage-I approval to User Agency and Field officers]
 4. Executive Engineer, PWD, Special Division, Shivamogga letter No. EE/PWD/SplDS/AE-1/Airport/Compliance/2022-23/3302 dated 09-12-2022 [Compliance Report to DCF, Bhadravathi]
 5. Deputy Conservator of Forests, Bhadravathi Division letter No. B2.Land.CR-115/2022-23 dated 15-12-2022 [Compliance Report to CF, Shivamogga Circle]
 6. Conservator of Forests, Shivamogga Circle, Shivamogga letter No. A11/FC/Airport Sogane/GL-10470/20-21 dated 17-12-2022 [Compliance Report to Nodal Officer]

The Government of India vide ref (1) have accorded 'in-principle' (Stage-I) approval for diversion of 4.5769 ha of forest land in Sy No. 12 Siriyuru village, Shivamogga District (Bhadravathi Forest Division) for construction of Instrument

Landing System in Shivamogga Airport for Social Commercial purpose in favour of the Executive Engineer, Special Division, Public Works Department Shivamogga 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, Bhadravathi Division, who after verification have vide ref (5) submitted the condition wise compliance to the Conservator of Forests, Shivamogga Circle, who has further submitted the same to this office vide ref (6).

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.	The user agency has paid Net Present Value (NPV) of Rs. 43,83,663/- vide UTR No. RBI3332258590895 dated: 28-11-022. <i>(Total amount transferred under this UTR is Rs. 2,25,23,343/- which includes NPV and CA)</i>
2	The identified non-forest land over an extent of 9.88 ha in Sy No. 2, 3 and 4 of Emmedoddi village, Kudigere Hobli, Bhadravathi Taluk, Shivamogga District for raising Compensatory Afforestation (CA) shall be transferred and mutated in the name of forest department and notified as RF/PF prior to Stage II approval and copy of the RF/PF	As per para 2.4 (I) of FC Guidelines, User Agency transferred and mutated the 9.88 Ha of non-forest land in favour of Karnataka Forest Department (4.05 HA in Sy. No. 2, 2.98 Ha in Sy. No. 3 & 2.85 Ha in Sy. No. 4 of Emmedoddi Village, Kudlagere Hobli and Bhadravathi Taluk, Shivamogga District).

	notification shall be furnished along with compliance report and also to be uploaded on PARIVESH web portal.	
3	The User Agency shall transfer the cost of raising and maintaining the Compensatory Afforestation over double the extent of identified non forest land 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 may include demarcation of non-forest land using chain link fencing with provision for SMC works, planting of tall plants to ensure faster growth and appropriate provision for anticipated cost increase for works scheduled for subsequent years.	The user agency has paid compensatory afforestation amount of Rs. 1,81,39,680/- (for 9.88 ha @ Rs.18.36 lakhs/ha) vide UTR No. RBI3332258590895 dated: 28-11-022. (Total amount transferred under this UTR is Rs. 2,25,23,343/- which includes NPV and CA)
4	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.	The User Agency has agreed and furnished an undertaking to that effect.
5	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.	The user agency has paid the NPV & compensatory afforestation amount of Rs. 2,25,23,343/- vide UTR No. RBI3332258590895 dated: 28-11-022.
6	The KML file of the area diverted and area proposed for CA (Non-Forest land as well as degraded forest land) shall be uploaded on the e-green watch portal with all requisite details and same shall be submitted along with compliance report.	The KML file of the area diverted and CA area will be uploaded on the e-green watch portal with all requisite details after Stage-II by Karnataka Forest Department.
7	The compliance report shall be uploaded on e-portal.	User Agency has uploaded the Compliance report in Parivesh Web Portal.

8	State government shall complete settlement of rights, in terms of the scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No.11-9/1998-FC dated 3rd August 2009 read with 05-07-2013 with necessary enclosures, in support thereof.	The User Agency has furnished the RoFR Certificate in FORM-I (for linear projects) issued by the Deputy Commissioner, Shivamogga District vide No. SMGDC-LND1/LG1/77/2020(E-94668) dated 14-12-2022 (Copy enclosed)
9	The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer. The boundary between the forest area and the area proposed to be diverted shall be fenced at the cost of the User Agency, to avoid encroachment, man-animal conflict, etc.	The boundary of the diverted forest land will be suitably demarcated on ground.
10	Consent should be obtained from the concerned Gram Sabha/Panchayat for diversion/re-alignment of existing road which is passing through the proposed area.	Consent certificate dated 20-08-2022 is obtained from Grama Panchayath for diversion/re-alignment of existing road which is passing through the proposed area (copy enclosed) .
11	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 to that effect.

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 an extent of 9.88 ha of	The Forest Department will take up the compensatory afforestation. The CA

	identified non-forest forest land within three years from the date of issue of final/Stage-II approval of diversion of proposed forest land and maintained thereafter by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare shall be planted over identified non-forest forest land. If it is not possible to plant so many saplings in the area identified for CA, then balance saplings will be planted in identified degraded forest land in Sy. No.32 of Guddadaneralakere village of Antharagange State Forest as per prescriptions of approved working plan with provision for ten years on subsequent maintenance and accordingly CA scheme shall be prepared.	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 an undertaking to that effect.
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 an undertaking to that effect.
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 an undertaking to that effect.
6	Suitable signages for speed regulation and animal safety will be erected along the road through forest areas.	The User Agency has agreed and furnished an undertaking to that effect.
7	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 an undertaking to that effect.
8	The total forest area utilized for the	The User Agency has agreed and

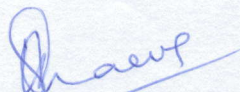
	project shall not exceed 4.5769 ha.	furnished an undertaking to that effect.
9	No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.	The User Agency has agreed and furnished an undertaking to that effect.
10	No labour camp shall be established in the forest land.	The User Agency has agreed and furnished an undertaking to that effect.
11	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 an undertaking to that effect.
12	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 an undertaking to that effect.
13	The forest land shall not be used for any other purpose other than that specified in the project proposal.	The User Agency has agreed and furnished an undertaking to that effect.
14	No damage to the flora and fauna of the adjoining area shall be caused.	The User Agency has agreed and furnished an undertaking to that effect.
15	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 an undertaking to that effect.
16	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.	The User Agency has agreed and furnished an undertaking to that effect.
17	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 to that effect.
18	The user agency shall comply with all the provisions of the all Acts, Rules,	The User Agency has agreed to that effect.

	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.	
19	Any other condition that the Ministry of Environment, Forest and Climate Change may stipulate from time to time in the interest of conservation, protection and development of Forest and Wildlife.	The User Agency has agreed to that effect.

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 4.5769 ha of forest land in Sy No. 12 Siriyuru village, Shivamogga District (Bhadravathi Forest Division) for construction of Instrument Landing System in Shivamogga Airport for Social Commercial purpose in favour of the Executive Engineer, Special Division, Public Works Department Shivamogga.

The relevant documents in 5 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. Conservator of Forests, Shivamogga Circle, Shivamogga for information.
2. Deputy Conservator of Forests, Bhadravathi Division for information
3. The Executive Engineer, Special Division, Public Works Department Shivamogga for information.