

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
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 ಅಡ್ಡರಸ್ತೆ
ಮಲ್ಲೇಶ್ವರಂ ಬೆಂಗಳೂರು-560 003

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Old File No. A5(4).GFL.CR.4/ 2018-19

E-office File No. KFD/HOFF/A5-4(GFL)/45/2018-FC

E-65414

Dated 29-12-2022

To,

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

Sir,

Sub:

Diversion of 20.0724 hectare (*revised from originally proposed 40.79 ha*) of forest land in Dhannur (Sevanagar), Khanapur and 8 other villages in Bhalki, Bidar and Humanabad Taluks of Bidar District for widening of existing road in Bidar - Humnabad Section (KM 0.000 to KM 101.400) of NH-50 to 2/4-lane with paved shoulders in favour of the Executive Engineer, Public Works, Ports & Inland Water Transport Department (NH-Division), Kalaburgi

Proposal No. FP/KA/ROAD/33965/2018 [Stage-I approved]

Ref:

1. Government of India, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Bengaluru letter F.No. 4 KRC 1281/2020-BAN/1271 dated 26-02-2021 [*Stage-I approval*]
2. Government of Karnataka letter No. FEE 76 FLL 2020 (e) dated 18-03-2021 [*communication of Stage-I approval*]
3. This office letter of even number dated 29-03-2021 [*communication of Stage-I approval*]
4. Executive Engineer National Highway Division, Kalaburagi Letter No. EE/NHD/KLB/PB/ 2022-23/842 Dated: 26.09.2022
5. Deputy Conservator of Forest Bidar division Bidar No.:KFD-BDRD0A5(SY)/4/2021 Dated:19-11-2022.
6. Conservator of Forests, Kalburgi Circle, Kalburgi letter No A4/ccf/forest land/B/NH-50/CR-41/2019-2020/2015 Dated 28-11-2022

The Government of India vide Ref (1) has accorded 'in-principle' (Stage-I) approval for diversion of 20.0724 hectare (*revised from originally proposed 40.79 ha*) of forest land in Dhannur (Sevanagar), Khanapur and 8 other villages in Bhalki, Bidar and Humanabad Taluks of Bidar District for widening of existing road in Bidar - Humnabad Section (KM 0.000 to KM 101.400) of NH-50 to 2/4-lane with paved shoulders in favour of the Executive Engineer, Public Works, Ports & Inland Water Transport Department (NH-Division), Kalaburgi subject to fulfillment of certain conditions.

Based on Stage-I approval for the project, the Government of Karnataka vide Ref (2) has directed to submit the compliance report of conditions of Stage-I approval.

Accordingly, this office vide Ref (3) informed the User Agency and field officers 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 compliance report to the Deputy Conservator of Forests, Bidar Division, who after verification has vide Ref (5) submitted the condition wise compliance to the Conservator of Forests kalburgi Circle, Kalburgi who has further submitted the same to this office vide Ref (6) respectively.

The status of Compliance to the conditions of Stage-I approval is as under.

Sl. No.	Conditions	Compliance
A:	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 an amount of Rs.1,78,04,219/- for 20.0724 ha @ Rs.8,87,000/ha per ha towards NPV charges to Ad-hoc CAMPA through e-payment portal dated 24.02.2021 Copy of Payment Page Print taken from FC Web portal is enclosed [Annexure -1]
2.	The User Agency shall transfer the cost of raising and maintaining the Compensatory Afforestation over an extent of 40.1448 ha. of degraded forest land in Sy.No. 179 of Muttangi village, Humnabad Taluk, 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.	The User Agency has paid an amount of Rs. 7,37,05,853/- towards the cost of raising Compensatory Afforestation for 40.1448 ha @ Rs.18.36 lakh per ha to Ad-hoc CAMPA through e-payment portal (<i>Transaction date 24-02-2021 and 09-11-2022</i>) vide e-payment challan dated 10-02-2021 and 07-11-2022 and Rs 3,98,70,932/- towards Water Charges paid [40.1448 ha x Per ha. Rs. 9,93,178/- =3,98,70,932/-] by User Agency through e-payment mode vide transaction dated 09-11-2022. Copy of Payment Page Print taken from FC Web portal is enclosed.[Annexure-1]
3.	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 made above mentioned payment towards Compensatory levies to Ad-hoc CAMPA through e-payment portal. Copy of Status of Payment Page taken from FC Web Portal is enclosed [Annexure -1]

4.	The compliance report shall be uploaded on e-portal (https://parivesh.nic.in/).	The User Agency has uploaded the compliance report in e-portal (https://parivesh.nic.in/).
5.	The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.	The User Agency has obtained FRA certificate in FORM-I (for Linear projects) from the Deputy Commissioner, Bidar vide No Rev/LND/CR-113/2020-21 Dated: 09.03.2021. Copy of the same is enclosed. [Annexure -2]
6.	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 User Agency has demarcated the proposed forest area by erecting cement concrete pillars duly numbered at an interval of 20 meters. Photographs and the GPS co-ordinates of the same are enclosed. [Annexure -3]
7.	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 comply with the condition and has submitted an Undertaking in this regard. [Annexure -4]
B:	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.	Legal status of the diverted forest land shall remain unchanged.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [Annexure -5]
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 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 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 identified degraded forest land in Sy. No. 179 of Muttangi village, Humnabad Taluka of Humnabad Range, Bidar Division for raising of Compensatory Afforestation and planting will be done after state-II approval is accorded. (Documents of the CA land enclosed as [Annexure -6]

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 to comply with the condition and has submitted an Undertaking in this regard. [Annexure -7]																		
4.	All statutory clearances including Environment Clearance, if applicable shall be obtained before commencing the work in forest area.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [Annexure -8]																		
5.	Tree felling shall be restricted to the barest minimum possible and under confirmation from the local forest officials.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [Annexure -9]																		
6.	Suitable signages for speed regulation and animal safety will be erected along the road in forest areas.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [Annexure -10]																		
7.	The User Agency shall surrender the forest land to an extent of 2.885 ha. to forest Department which will become surplus due to straightening of sharp curve through re- alignment.	<p>User agency has surrendered the forest land to an extent of 2.885 ha. to Forest Department i.e.,</p> <table border="1"> <thead> <tr> <th>Sl. No.</th><th>Forest Stretch</th><th>Area in Ha.</th></tr> </thead> <tbody> <tr> <td>1</td><td>Kabirabad Village SyNo.81</td><td>1.6615</td></tr> <tr> <td>2</td><td>Dhanur Sy No.9 /</td><td>0.1932</td></tr> <tr> <td></td><td>Sevanagar Village SyNo.25</td><td>0.047</td></tr> <tr> <td>3</td><td>Byalhalli Village Sy.no 58</td><td>0.9883</td></tr> <tr> <td></td><td>Total</td><td>2.89</td></tr> </tbody> </table> <p>Maps of the area surrendered to Forest Department enclosed is (Annexure-11)</p>	Sl. No.	Forest Stretch	Area in Ha.	1	Kabirabad Village SyNo.81	1.6615	2	Dhanur Sy No.9 /	0.1932		Sevanagar Village SyNo.25	0.047	3	Byalhalli Village Sy.no 58	0.9883		Total	2.89
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8.	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 to comply with the condition and has submitted an Undertaking in this regard. [Annexure -12]																		
9.	No labour camp shall be established on the forest land.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [Annexure -13]																		
10.	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 to comply with the condition and has submitted an Undertaking in this regard. [Annexure -14]																		
11.	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 to comply with the condition and has submitted an Undertaking in this regard. [Annexure -15]																		
12.	No damage to the flora and fauna of the adjoining area shall be caused.	The User Agency has agreed to comply with the condition and has submitted an																		

		Undertaking in this regard. [Annexure -16]
13.	The layout plan of the proposal shall not be changed without the prior approval of the Central Government.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [Annexure -17]
14.	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.	As per this condition the Deputy Conservator of Forests, Bidar Territorial Division, Bidar has instructed to complete the following work to user agency. “Wild life movement is present between Noubad to Khanapur Village. User Agency has been instructed to put caution boards and signages in the animal crossing zone to create awareness and to prevent accidents”. The user agency has completed the above works.
15.	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; and	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [Annexure -18]
16.	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 to comply with the condition and has submitted an Undertaking in this regard. [Annexure -19]

In view of the above mentioned compliance to conditions of Stage-I approval as reported by the field officers, it is requested to move the matter with the Government of India, Ministry of Environment, Forests & Climate Change to accord final approval (Stage-II) for Diversion of 20.0724 hectare of forest land in Dhannur (Sevanagar), Khanapur and 8 other villages in Bhalki, Bidar and Humanabad Taluks of Bidar District for widening of exiting road in Bidar - Humnabad Section (KM 0.000 to KM 101.400) of NH-50 to 2/4-lane with paved shoulders in favour of the Executive Engineer, Public Works, Ports & Inland Water Transport Department (NH-Division), Kalaburgi under the Forest (Conservation) Act, 1980.

The relevant documents in 3 sets are submitted here with for kind perusal and further action. The present status of the proposal obtained from the web-portal is also appended for necessary action.

Yours Faithfully


(Vijay Sharma, I.F.S.)

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

Copy to the Chief Conservator of Forests, Kalburgi Circle, Kalburgi for information and necessary action.

Copy to the Deputy Conservator of Forest Bidar division Bidar for information and necessary action.

Copy to the Executive Engineer, Public Works, Ports & Inland Water Transport Department (NH-Division), H. No. 11/1844, behind SB college Vidya Nagar, Kalaburgi-585 103 for information and for further action.