

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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Date 23-06-2022

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To,

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

Sir,

Sub: Diversion of 4.6038 hectares of forest land in Sy No. 10 Wadnahalli Village (0.9664 ha) and Sy No. 163 Yargala Village (3.6374 ha), Hatthakuni Hobli, Yadgir Taluk & District for widening to two/four lane with paved shoulders from Chittapur Cross to Yadgir Bypass (CH. 34.000 to CH. 70.900) of National Highway NH-150 (Gulbarga-Wadi-Yadgir Section) in favour of Executive Engineer (National Highway Division), Public Works, Ports & Inland Water Transport Department, Kalaburgi
Proposal No. FP/KA/ROAD/36272/2018 [Stage-I approved]

- Ref:**
1. Government of India, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Bengaluru letter F. No. 4-KRB1232/2020-BAN/787 Dated 12-10-2020 [Stage-I approval]
 2. Government of Karnataka letter No. FEE 16 FLL 2020 dated 03-11-2020 [communication of Stage-I approval]
 3. This office letter of even number dated 06-11-2020 [communication of Stage-I approval seeking condition-wise compliance from User Agency and Field officers] and letter dated 20-11-2021 [communication of compliance for field verification]
 4. Executive Engineer (National Highway Division), Public Works, Ports & Inland Water Transport Department, Vidhyanagar, Kalaburgi letter No. EE/NHD/KLB/AE-1/NH-150-1/Forest/2020-21/1482 dated 18-02-2021 [Compliance Report in respect of conditions of Stage-I approval]
 5. Deputy Conservator of Forests, Yadgir Division, Yadgir letter No. B3/Land/NHAI/CR-28/2018-19/161 dated 21-05-2022 [Compliance Report in respect of conditions of Stage-I approval]
 6. Chief Conservator of Forests, Kalaburgi Circle, Kalaburgi letter No. A4/CCF/Forest.Land/B/V/CR-56/2019-20/568 dated 02-06-2022 [Compliance Report]

The Government of India vide Ref (1) have accorded 'in-principle' (Stage-I) approval for diversion of 4.6038 hectares of forest land in Sy No. 10 Wadnahalli Village (0.9664 ha) and Sy No. 163 Yargala Village (3.6374 ha), Hatthakuni Hobli, Yadgir Taluk & District for widening to two/four lane with paved shoulders from Chittapur Cross to Yadgir Bypass (CH. 34.000 to CH. 70.900) of National Highway NH-150 (Gulbarga-Wadi-Yadgir Section) in

favour of Executive Engineer (National Highway Division), Public Works, Ports & Inland Water Transport Department, Kalaburgi, subject to fulfillment of certain conditions stipulated therein.

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

Accordingly, this office vide Ref (3) has informed the User Agency and Field officers to submit the compliance report of 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, Yadgiri Division, who after verification has, vide Ref (5), submitted the condition-wise Compliance Report to the Chief Conservator of Forests Kalburgi Circle, who has further submitted the same vide Ref (6) to this office.

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

Stage-I approval condition		Status of Compliance
1	The legal status of forest land shall remain unchanged.	The User Agency has agreed to comply with the condition as per user agency compliance letter dated 18-02-2021
2	The boundary of the forest land to be diverted shall be suitably demarcated on ground at cost of User Agency as per the directions of concerned Divisional Forest officer.	The User Agency has demarcated the forest area proposed for diversion by erecting concrete pillars at an interval of 20 meters. [ANNEXURE-1].
3	The non-forest land proposed for CA over an extent of 9.21 ha, at Sy. No.172, Goudagera village, Balichakra Hobli, Yadgir Taluk & District, shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under section 4 or section 29 of the India Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to stage-II approval.	<p>The Deemed forest land double in extent to the forest area proposed for diversion identified for Compensatory Afforestation (23 Acre 35 Gunta or 9.2076 ha) in 172, Goudagera village, Balichakra Hobli, Yadgir Taluk & District has been mutated and transferred in favour of Forest Department. Mutation Register and RTC are enclosed as ANNEXURE-2.</p> <p>However, the said Mutated Deemed Forest land is yet to be notified under section 4 or section 29 of the India Forest Act, 1927, or under the relevant section of the State Forest Act. the Deputy Conservator of Forests, Yadgir Division, Yadgir and the User Agency is being informed to take necessary action for notification of Mutated Deemed Forest land as mentioned in the condition before handing over of the forest land.</p>
4	The cost of raising Compensatory Afforestation over an extent of 9.21 ha. of Government land in Sy.No.172,	The User Agency has paid an amount of Rs. Rs. 1,46,71,530/- towards the cost of raising Compensatory Afforestation for

	Goudagera village, Balichakra Hobli, Yadgir Taluk & District, shall be realized from user agency.	9.21 ha @ Rs.15.93 lakh per ha to Ad-hoc CAMPA through e-payment portal (<i>Transaction date 11-01-2021</i>) vide e-payment challan dated 11-12-2020 [<i>included in total amount of Rs. 1,83,68,381/-</i>]. Copy of Payment Page Print taken from FC Web portal is enclosed. [ANNEXURE-3]. However, the CA rates have since been revised to Rs. 18.36 lakh per ha. Hence, the User Agency is being informed to pay the CA difference amount. The same will be recovered before handing over of the forest land.
5	The State Government shall charge the Net Present Value of diverted forest land of 4.6038 ha. From the 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.	The User Agency has paid an amount of Rs. 36,96,851/- towards NPV for 4.6038 ha of forest land @ Rs.8.03 lakh per ha to Ad-hoc CAMPA through e-payment portal Generated Challan vide transaction dated 11-01-2021 [<i>included in total amount of Rs.1,83,68,381/-</i>]. Copy of Payment Page Print taken from FC Web portal is enclosed. [ANNEXURE-3]
6	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 the user agency. The user agency shall furnish an undertaking to this effect.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-4]
7	All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through (https://parivesh.nic.in/).	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-3].
8	The User Agency shall restrict the felling of trees to minimum number in the diverted forest land and 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 to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-5]
9	State Government shall complete	The User Agency has obtained FRA

	settlement of rights, in term of 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 it's letter NO. 11-9/1998-FC dated 3 rd August 2009 read with 05-07-2003, in support thereof.	certificate in FORM-I (for Linear projects) from the Deputy Commissioner, Yadgir District vide letter No. Rev/LND/2019-20 dated 16-02-2021. Copy of the same is enclosed. [ANNEXURE-6]
10	The User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms, wherever possible.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-7]
11	Speed regulating signage shall be erected along the road at regular intervals in the forest areas.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-8]
12	User Agency shall obtain the Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable.	The User Agency has submitted the Gazette Notification No. SO.2559(E) dated 22-08-2013 [copy enclosed as Annexure-9] which State that "Expansion of National Highways greater than 100 km involving additional right of way or land acquisition greater than 40 mtr on existing alignments and 60 mtr on realignments of bypasses" attracts the provision of EC clearance under Environmental Impact Assessment Notification. As the said proposal's road length is less than 100 Km and the additional width to the ROW is less than 40 meters and less than 60 meters in the realignment of by pass, the User Agency has claimed exemption from obtaining EC
13	The layout plan of the proposal shall not be changed without prior approval of Central Government.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-10]
14	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-11]
15	Sufficient firewood, preferably alternate fuels, 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-12]

16	No additional or new path will be constructed inside the forest area for transportation of construction material for execution of the project work.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-13]
17	The forest land shall not be used any purpose other than i.e. specified in the project proposal. The total forest area utilized for the project shall not exceed 4.6038 ha.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-14]
18	The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-15]
19	The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favor of the user agency of 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-16]
20	The compliance report shall be uploaded on e-portal (https://parivesh.nic.in/).	The User Agency has uploaded the compliance report on e-portal (https://parivesh.nic.in/).
21	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 comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-17]
22	Violation of any of these conditions will amount to violation of forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F.No.11-42/2017-FC dated: 29/01/2018	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-18]
23	The State Government and user agency shall comply the provisions of all the Acts, Rules, Regulations, Guidelines, NGT order & Hon'ble Court 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 accord the final (Stage-II) approval for diversion of 4.6038 hectares of forest land in Sy No. 10 Wadnahalli Village (0.9664 ha) and Sy No. 163 Yargala Village (3.6374 ha), Hatthakuni Hobli, Yadgir Taluk & District for widening to two/four lane with paved shoulders from Chittapur Cross to Yadgir Bypass (CH. 34.000 to CH. 70.900) of National Highway NH-150 (Gulbarga-Wadi-

Yadgir Section) in favour of Executive Engineer (National Highway Division), Public Works, Ports & Inland Water Transport Department, Kalaburgi under the Forest (Conservation) Act, 1980 for a period of twenty (20) years.

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)

o/c

Copy to the:

1. Chief Conservator of Forests, Kalaburgi Circle, Kalaburgi for information.
2. Deputy Conservator of Forests, Yadgiri Division, Yadgiri for information you are directed to issue the revised Demand Notice to User Agency for payment of the differential CA charges within 7 days positively and take necessary action for notification of Mutated Deemed Forest land as mention in the condition No. 3 before handing over of the forest land. and to submit the compliance of payment made by the user agency and w.r.t notification of mutated land as RF/PF to this office for further processing for Stage-II
3. The the Executive Engineer (National Highway Division), Public Works, Ports & Inland Water Transport Department, Vidhyanagar, Kalaburgi – 585 103 for information and to upload the Demand Notice [for payment of the differential CA charges] obtained from the Deputy Conservator of Forests, Yadgiri Division, for acceptance by this office and then to generate the Challan from the said web portal for making payment and also directed to submit the evidence of proof for erection of Speed regulating signage along the road at regular intervals in the forest areas asper Stage-I condition no. 11.

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24/11/2022