

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

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



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Old File No. A5(2).GFL.CR-03/2019-20
E-office File No.KFD/HOFF/A5-2(GFL)/129/2019-FC

E-88119
Date 06-02-2023

To

The Additional Chief Secretary to Government
Forests, Ecology & Environment Department
M.S. Building, Bengaluru-560 001

Sir

Sub: Diversion of 2.5315 hectare of forest land in Rekhyia village, Mangaluru District for four laning of Addahole (near Gundya) (existing chainage KM 263 + 000, Design Chainage KM 255+140) to Bantwal Cross in favour of Project Director, Project Implementation Unit (PIU), National Highway Authority of India (NHAI), Mangaluru.

Proposal No. FP/KA/ROAD/120467/2021[FORM-A]

- Ref:**
1. This office letter of even number dated 25-02-2022 [submission of additional information to GOK], 23-05-2022 [communication of EDS query to field officers and User Agency] and 26-12-2022 [seeking revised information]
 2. Government of Karnataka letter No. FEE 58 FLL 2021 (e) dated 31-03-2022 [communication of additional information to GOI] and 19-05-2022 [Communication of GOI EDS query]
 3. Government of India, Ministry of Environment, Forests & Climate Change, integrated regional office, Bengaluru letter F.No. 4-KRB1313/2021-BAN/72 dated 03-05-2022 [EDS query]
 4. DGM(T) & Project Director, National Highway Authority of India, project implementation Unit- Mangalore office Letter No. 17012/1/2020/PIU/(Mnglr)/332, dated 16-9-2022 [reply submitted to DCF Mangaluru] and 27-12-2022, 01-02-2023 [submission of revised information to DCF Mangaluru]
 5. Deputy Conservator of Forests, Mangaluru letter No. LAND CR/69/road widening/2011-12 (addl.land) dated 06-10-2022 [reply submitted to CCF Mangaluru] and 29-12-2022 [submission of revised information to CCF Mangaluru]
 6. Chief Conservator of Forests, Mangaluru letter No.A3/CR-35/Addahole (FC)/21-22 dated 10-10-2022 [reply submitted to this office] and 30-12-2022 [submission of revised information to this office]

With reference to the above subject, this office vide ref (1) letter dated has submitted additional information to Government of Karnataka for seeking 'in-principle' (Stage-I) approval under Section 2 of Forest (Conservation) Act, 1980. Government of Karnataka vide ref (2) dated 31-03-2022 has forwarded the proposal to Government of India.

The Government of India vide ref (3) has sought certain information on four specific points, Government of Karnataka vide ref (2) letter dated 19-05-2022 had communicated same to this office and was further communicated by this office vide ref (1) dated 23-05-2022 to User Agency and field officers.

In response, User Agency vide ref (4) letter dated 16-9-2022 has submitted the information to Deputy Conservator of Forests, Mangaluru who, after verification, vide ref (5) letter dated 06-10-2022 has submitted the information to the Chief Conservator of Forests, Mangaluru and who has, in turn vide ref (6) letter dated 10-10-2022 has submitted it to this office.

The same has been verified by this office and found to be incomplete. Hence, this office has directed the Chief Conservator of Forests, Mangaluru Circle to obtain revised justification/information from the Deputy Conservator of Forests, Mangaluru and the User Agency vide Ref (2) letter dated 26-12-2022.

Accordingly, User Agency vide ref (4) letter dated 27-12-2022 has submitted the information to Deputy Conservator of Forests, Mangaluru who, after verification, vide ref (5) letter dated 29-12-2022 has submitted the information to the Chief Conservator of Forests, Mangaluru and who has, in turn vide ref (6) letter dated 30-12-2022 has submitted it to this office.

Based on the reports obtained from the User Agency and field officers, the information is furnished below.

| Government of India EDS query dated 03-05-2022 | Response of User Agency | Remarks of DCF Mangaluru Division |
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| <p>1 The matter may be examined at the level of Nodal Officer as to why the original proposal was not adhered to.</p> | <ul style="list-style-type: none"> MoEF&CC, IRO, Bangalore vide letter no F. No.4-KRC 1074/2015-BAN/474 dated 08.08.2017 accorded Stage II clearance towards diversion of 33.18 ha. i.e., 32.69 ha. of forest land in Mangaluru Division for four (4) laning of Addahole (Near Gundya) (Existing km 263.000) to Bantwal cross (Existing km 328.000) section and 0.49 ha. forest land in Hassan Division from Hassan (Existing Km 189.700) to Maranahally (Existing Km 237.000) section of NH-75 in favour of NHAI. NHAI awarded the work and construction work was started by the contractor. As per Contract Agreement provisions, the site should be made available by the authority free from all encumbrance and occupation for the duration of project completion schedule. As a further course of action to go ahead with the construction of the project without delay and to ensure encumbrance free land to the contractor, the permission was sought from the Forest Department for felling of trees, wherein the charges for felling of trees was also met by the NHAI. The Right of Way (ROW) in forest land diverted from Ch 267+200 to Ch 267+800 was 30 mt only, during execution it was assessed that excavation and formation of carriage way and the retention of slope in high cutting area was requiring an additional land of more than 5 ha in | <p>As per the information given by the user agency the reason for not adhering to the original proposal is due to very high land cuttings, vulnerability of the side slope for landslides and soil erosion. Further they have stated that, upon detailed study, the proposal for adopting a tunnel was not viable, as it would cause an additional expense of Rs.200 crore and it also required extra diversion of forest land and clearance of tree growth</p> <p>Keeping in view of the above facts, the DCF Mangaluru suggest that, the 2.744 ha. of land already diverted to the user agency after clearing the tree growth may be used by way of forming tunnel without considering the cost of the project. This will save forest and avoid</p> |

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| | | <p>addition along with previous diverted land and requiring additional felling of trees of more than 1000 in numbers; which might have never been acceptable by the Forest Department. Hence decided to realign i.e. passing through existing road alignment, to avoid the above said constraints/conflicts.</p> <ul style="list-style-type: none"> • Further, Construction of tunnel at the diverted forest and private land is not feasible as the prevailing soil is of conglomerate type and to construct tunnel, a solid hard stratum is required so that boring procedures can be opted to form a tunnel which is not feasible in this location (in the earlier realigned diverted stretch). • Viewing the above practical difficulties, NHAI vide letter no. 252 dated 04.06.2018 submitted proposal through existing road alignment and requested APCCF(FC)/Nodal Officer (FCA) for change in alignment. • Additional Principal Chief Conservator of Forests (Forest Conservation) /Nodal Officer (FCA), Bangalore vide letter No A5(2)GFL.CR.10/12-13 dated 21.06.2018 directed NHAI to submit a fresh proposal for additional area to be diverted, as change in alignment requires additional forest area. • Due to various reasons, Contractor M/s L&T initiated foreclosure notice in 2018 and the project could not progress further. Project was foreclosed in Feb 2021. • The project 'Four laning of Addahole (Near Gundya) (Existing km 263.00, Design Chainage 255.703) to Bantwal Cross (Existing Km 328.000, | <p>obstruction to the movement of Elephants and other wild animals.</p> <p>However, if the User Agency is not in a position to take up tunnelling in already diverted area, then elevated road on pillars has to be provided to a width of 50 mtr. and 12 mtr. height as this place is one of the important elephants crossing site.</p> |
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Design Chainage 318.755 km) section of NH-75 (Old NH-48) 'was divided into 2 packages as under:

a. Package I- Four Laning from Design Km 255.140 to Km 270.270 of Addahole-Bantwal section of NH-75 (Old NH-48)- 15.130 Kms.

b. Package II- Four Laning of Bangalore-Mangalore Section from Km 270+270 (Periya Shanthi) to Km 318+755 (Bantwal) including 6-lane Flyover at Kalladka Town- 48.485 Kms.

- NHAI freshly invited the bid for consultancy services for preparation of DPR i.e for Package I. Upon detailed study DPR consultants proposed that adopting a tunnel was not viable in realignment portion and further it also required extra diversion of forest land. The consultant proposed the most cost effective and feasible alignment which is to follow the existing road alignment with some geometrical improvements where in 2.5315 Ha of forest land is required.
- The main aim of the NHAI is to follow the most viable and fast implementation of project keeping in view of the present road condition and also facilitate early completion of work keeping in view of the road safety. Hence, the existing road alignment is the better option from the point of / view of conserving the nature and avoiding felling of additional trees.. Accordingly submitted the diversion proposal through existing road alignment.

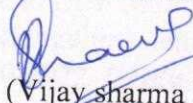
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| 1 | | <ul style="list-style-type: none"> Since the project is under implementation and the new contractor is on board and about 35% physical progress has been achieved, so in view of the above quoted /justification it is requested to kindly consider 2.5315 ha diversion to NHAI through existing road alignment instead of already diverted forest land through realignment. | |
| 2 | Why the User Agency has taken up felling of trees in the earlier proposed area, if the realignment was not feasible. | <p>It is to submit that felling of 272 nos. trees were taken up by forest department in the realignment stretch, so as to handover encumbrance free land to Contractor. Agency has not taken up by the felling of trees.</p> <p>NHAI awarded the work and construction work was started by the contractor in 2017. As per Article 8 clause 8.4 of Contract Agreement provisions executed between NHAI and Contractor, the site should be made available by the authority free from all encumbrance and occupation for the duration of project completion schedule. As a further course of action to go ahead with the construction of the project without delay and to ensure encumbrance free land to the contractor, the permission was with the Forest Department for felling of trees, wherein the charges for felling of trees was also deposited by the NHAI(i.e Rs 8 Crs).</p> <p>It is to mention that, by following the existing road alignment, it will save existing trees and avoid forest diversion and also avoid the soil erosion in the dense evergreen forest.</p> | The reasons stated by the user agency for taking up felling of trees in the earlier proposed area may be considered. But the User Agency failed to verify this fact at the time of the original proposal. |
| 3 | The details of trees existed in the area and the number of trees already felled. | <p>283 nos. of trees were existing and 272 were felled by the Forest department as per the accorded permission (Details enclosed).</p> <p>For this Authority will abide by the directions of Forest Department.</p> | The facts reported by the user agency is found to be correct. |

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| 4 | The User Agency may explore the technical feasibility of sticking with the already felled area for laying of road or laying of elevated corridor in this area. | Yes, NHAI explored the technical feasibility for sticking on earlier diverted alignment but the same could not be taken up due to reasons narrated in para I above. | <p>The technical feasibility explored by the User Agency for sticking with the already felled area for laying of road or laying of elevated corridor is not considerable. The User Agency may be directed for adopting a tunnel without considering the cost of the project, which will save forest and avoid obstruction to the movement of Elephants and other wild animals.</p> <p>However, if the User Agency is not in a position to take up tunnelling in already diverted area, then elevated road on pillar has to be provided to a width of 50 mtr. and 12 mtr. height as this place is one of the important elephants crossing site.</p> |
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In view of the above, it is requested to move the matter with the Government of India, Ministry of Environment, Forests & Climate Change, Integrated Regional Office, Bengaluru to accord 'in principle' approval (Stage-I) under the Forest (Conservation) Act, 1980 for the project.

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 IFS)

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

Copy to the Chief Conservator of Forests, Mangaluru Circle, Mangaluru for information.

Copy to the Deputy Conservator of Forests, Mangaluru Division, Mangaluru for information.

Copy to the Project Director & DGM (T), National Highway Authority of India, Project Implementation Unit, Door No.3-29, Bethel, Tharethota, near Pumpwell, NH-66, Mangaluru-575 005 for information.