

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ
ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ
ಕಚೇರಿ



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

Encl. 3 sets

E-65414

Date 06-10-2020

07+10-2020

To,

The Additional Chief Secretary to Government
Forest, Ecology & Environment Department
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 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

Proposal No. FP/KA/ROAD/33965/2018

- Ref:**
1. This office letter of even number dated 16-01-2020 [*uploaded on 11-02-2020; Stage-I proposal*] and 16-06-2020 [*uploaded on 26-06-2020; communication of GOI EDS Query dated 05-06-2020 for reducing the width of the Proposed Right of Way within forest limits*]
 2. Government of Karnataka letter No. FEE 17 FLL 2020 (E) dated 23-03-2020 [*Stage-I proposal*] and 19-06-2020 [*communication of GOI EDS Query dated 05-06-2020 for reducing the width of the Proposed Right of Way within forest limits*]
 3. Government of India, Ministry of Environment, Forests & Climate Change, Regional Office (Southern Zone), Bengaluru letter F.No. 4-KRA 1243/2020-BAN/133 dated 04-06-2020 [*EDS Query dated 05-06-2020 for reducing the width of the Proposed Right of Way within forest limits*]

4. Online reply dated 22-07-2020 of the Executive Engineer, Public Works, Ports and Inland Water Transport Department (NH-Division), Kalaburgi to the GOI EDS query dated 05-06-2020 [*letter No.EE/PWD/Kalaburgi/PB-1/2020-21/321 dated 22-07-2020; Revised FC proposal*]
5. Online reply dated 03-08-2020 of Deputy Conservator of Forests, Bidar Division to GOI EDS query dated 05-06-2020 [*letter No. A5/FC/NH-50/CR-04/2019-20/382 dated 31-07-2020; Revised FC proposal*]
6. Online reply dated 10-08-2020 of the Chief Conservator of Forests, Kalaburgi Circle to GOI EDS query dated 05-06-2020 [*letter No. A4/CCF/F.L/B/NH-50/CR-41/2019-20/1027 dated 07-08-2020; Revised FC proposal*]

With reference to above proposal seeking Stage-I approval under Forest (Conservation) Act, 1980 submitted by this office vide Ref (1) letter dated 16-01-2020 and further by the Government of Karnataka vide Ref (2) letter dated 23-03-2020, the Government of India vide Ref (3) has sought a revised proposal with considered reduced width in forest area and incorporating provision for box culverts with prescribed dimension for safe movement of wildlife.

The same was communicated by the Government of Karnataka vide Ref (2) letter dated 19-06-2020 and further by this office vide Ref (1) letter dated 16-06-2020 to the User Agency through field officers.

In response the User Agency vide Ref (4) has revised the proposal from originally proposed 40.79 ha to 20.0724 ha. The same has been verified by the field officers and the reply to Government of India EDS query has been uploaded on FC web portal vide Ref (5) & (6) on FC web portal.

Based on the reply submitted by the User Agency through field officers as above, **a revised proposal seeking diversion of 20.0724 ha (instead of originally proposed 40.79 ha) 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 is being submitted herewith as APPENDIX for forwarding to the Government of India as reply to its EDS query dated 05-06-2020.**

The revised information is also uploaded online to the extent permitted by FC web portal. Wherever it has not been possible for the User Agency and / or the field officers to edit the online information because of certain technical restrictions, the same is duly mentioned in the hard copy of the proposal [APPENDIX].

The revised proposal [APPENDIX] along with relevant documents in 3 sets is submitted herewith for further action. The Timeline of the proposal taken from FC web portal is also enclosed herewith for reference.


Yours Faithfully

(Sanjai Mohan IFS) 6/10/20

Principal Chief Conservator of Forests
(Head of Forest Force)

OK Copy to the:

1. Chief Conservator of Forests, Kalburgi Circle, Kalburgi for information.
2. Deputy Conservator of Forests, Bidar Division, Bidar for information.
3. Executive Engineer, Public Works, Ports & Inland Water Transport Department (NH-Division), H. No. 11/1844, behind SB college Vidya Nagar, Kalaburgi-585103 for information and with a request to obtain requisite **Certificate in FORM-I (for Linear projects)** issued by the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019 (*may be downloaded from FC web portal*) at the earliest.


ರವಿಶಂಕರಗಿರಿ
ದಿನಾಂಕ: 7.10.2022

REVISED PROPOSAL Seeking Stage –I Approval under Section 2 of the Forest (Conservation) Act, 1980

(After Government of India EDs query dated 05-06-2020)

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 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

Proposal No. FP/KA/ROAD/33965/2018

1. In response to Government of India EDS query dated 05-06-2020, the Project Director, National Highways Authority of India (NHAI), Project Implementation Unit (PIU), Dharwad [USER AGENCY] vide Ref (1) has revised its proposal seeking approval under Section 2 of the Forest (Conservation) Act, 1980 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 exiting road in Bidar - Humnabad Section (KM 0.000 to KM 101.400) of NH-50 to 2/4-lane with paved shoulders. In view of the technical restrictions on FC web portal after uploading of PART-II, the User Agency could not incorporate the changes in PART-I of the proposal. In order to overcome this issue, the User Agency vide Ref (4) has submitted the hard copy of the revised area statement in response to the Government of India EDS query dated 05-06-2020. As a result, the documents/ information uploaded online in Items A-1(viii), B-2.1, B-2.2 and B-2.3 may be ignored and the corresponding documents submitted in hard copy (enclosed herewith) and also uploaded in Additional Information Details (documents named 'Letter Regarding Changes made in Part-I of FORM-A in comparison with online application', 'Survey wise break up details' and 'Compliance letter to 44th meeting of RO Empowered committed') may be referred to for the corrected information. The revised proposal KML file is already uploaded in Item C(ii) (b) of PART-I of the proposal.

2. **Location details:** The location details of the forest land required for the project are given below.

District	Taluk	Hobli	Village	Sy. No	Forest extent proposed for diversion (ha)	Legal Status of Land		
Bidar,	Bhalki	Halabarga	Dhannur (Sevanagar)	9 (old 97)	0.6185	Section 4 notified *		
				25 (old 103)	0.4972			
			Khanapur	192	0.0056			
				190	0.2630			
				191	0.3766			
				188	0.2112			
				187	0.6887			
				193	0.0671			
			Byalahalli	58	1.7730	Protected Forest**		
	Bidar	Kamatana	Kapilapur	6	1.0413	Section 4 notified***		
			Ativala	20	0.4909			
				21	0.0955			
				22	0.1222			
				24	0.0172	Unclassed Forest		
				25	0.1024	Section 4 notified****		
			Kholhara K	122	1.3042	Unclassed Forest		
				123	1.1753	Unclassed Forest		
			Naubad	128	0.0698	Section 4 notified****		
				145	0.0984			
				129	0.0433			
				141	0.1276			
				144	0.1771			
				143	0.0550			
				142	0.0774			
				150	0.1634			
				140	0.4368			
				167	0.1756			
			Anaduru	328	5.3204			
			Humna bad	Hallikhed	Kabirabad	81	0.1927	Deemed Forest
						Parampoke	3.1642	Deemed Forest
	Humnabad	Dhumansur		4	0.9807	Unclassed Forest		
				280	0.1401	Unclassed Forest		
Grand Total					20.0724			

*Government of Mysore (Karnataka) Notification S.O.5851 dated 18-11-1966

**Government of Mysore (Karnataka) Notification No. F.ST./183/2/55 dated 28-02-1957

***Government of Mysore (Karnataka) Notification No. 65/Rft/60/61 dated 22/06/1961

****Government of Mysore (Karnataka) Notification No. AFD 21 FAF 63 dated 03-07-1963

*****Government of Mysore (Karnataka) Notification No.S.O.1649 dated 27-07-1968

3. Component wise breakup: The component wise breakup of the forest land required by the project is given below.

Components		Forest area (ha)
1	ROW(comprising of Utility Corridor & tree plantation)	10.9627
2	Paver Blocks	0.4591
3	Carriageway	2.8077
4	Earthen Shoulder	2.0668
5	Toe	3.5072
6	Drain/ Footpath	0.2689
Total		20.0724

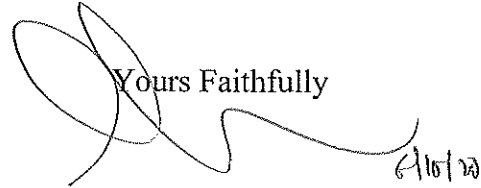
- 4. DCF, Bidar Division Report:** The Deputy Conservator of Forests, Bidar Division, Bidar has inspected the site on 22-06-2019, 24-06-2019 and 31-07-2020 and vide Ref (5) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Kalaburgi Circle. Main features of the proposal based up on the Deputy Conservator of Forests, Bidar report r/w report of Chief Conservator of Forests, Kalaburgi Circle and that of ICT Centre of Forest Department are summarized below.
- a. The forest land proposed for diversion is nearly plain. Hence it is not much vulnerable to soil erosion.
 - b. The forest land proposed for diversion is in general landscape of Eco-Class-III (Tropical Dry Deciduous Forests) with canopy density of more than 0.7 (Very Dense Forest).
 - c. As per Item 4(ii) of PART-II, there are 4976 trees in various Girth classes in the proposed forest land for diversion. Main species include *Gliricidia* sps, *Azadirachta indica*, *Acacia auriculiformis*, *Eucalyptus* sps, *Acacia auriculiformis*, *Pongamia pinnata*, *Cassia siamea*, *Albizzia lebbec*, *Mangifera indica*, *Butea monosperma*, *Ficus* sps, *Zizyphus* sps, among others.
 - d. Major wild animals present in and around the area include Blackbuck, Wild pig, Jackal, Common langur, Peafowl, etc.
 - e. There are no other rare / endangered / unique species of flora and fauna reported in the forest land proposed for diversion.
 - f. The forest area proposed for diversion does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc.
 - g. The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
 - h. There are no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc., located within one kilometre from boundary of the forest land proposed for diversion
 - i. There are no Protected/ Archaeological/ Heritage Sites or Defence Establishments or important monuments in the area.
 - j. There is no violation reported under Forest (Conservation) Act, 1980.
 - k. The requirement of forest land for the project is bare minimum and unavoidable.

5. **CCF, Kalaburgi Circle Report:** The Chief Conservator of Forests, Kalaburgi Circle has inspected the site on 29-06-2019 and agreeing with the recommendations of the Deputy Conservator of Forests, Bidar Division has recommended the proposal. Specific comments of the Chief Conservator of Forests, Kalaburgi Circle are mentioned in PART-III of the proposal cited at Ref (4) above.
6. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land proposed for diversion as per Para 3.1 to 3.4 of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. **The User Agency has submitted an Undertaking dated 21-07-2020 to pay the charges towards Net Present Value (NPV) of the forest land proposed for diversion.**
7. **Compensatory Afforestation (CA):** The User Agency being a State Government Agency is required to provide an equivalent extent of non-forest land towards Compensatory Afforestation. Further, as per Para 2.4(i) of the latest FC Guidelines of Government of India communicated vide letter F.No. 5-2/2017-FC dated 28-03-2019, the revenue lands and all such categories of forest lands not under management and/or administrative control of the Forest Department, on which the provisions of FC Act 1980 are applicable, shall be considered for the purpose. However, such lands are to be provided double in extent to the area proposed for diversion. Accordingly, **the User Agency has identified an extent of 40.1448 hectare of Deemed Forest land in Kabirabad Village under the Revenue Category 'Parampoke' for CA purpose. The Deputy Commissioner, Bidar District vide Order No. Kam:LND:CR-102/2019-20 dated 26-11-2019 has ordered for transfer of the said land to Forest Department.** The process of mutation and formal transfer of the said land is underway. The Deputy Conservator of Forests, Bidar has inspected the said land on 31-07-2020 and has issued CA Land Suitability Certificate dated 31-07-2020. He has also submitted the CA Scheme. As the said land cannot support the required number (1000) of CA plants per hectare, the Deputy Conservator of Forests, Bidar has identified an extent of 41.1448 hectare of degraded forest land in Muttangi Village Sy No. 179, Nirna Hobli, Humnabad Taluk, Bidar District to plant the remaining number of plants. The CA related documents (*Topo Map, Geo-referenced Map with GPS reading of all corners, CA Scheme and CA Land Suitability Certificate*) are enclosed herewith. They have also been uploaded online in PART-I/II of the proposal. Further, **the User Agency has submitted an Undertaking dated 21-07-2020 to pay the Compensatory Afforestation charges.**

8. **Status of RoFR compliance:** With regard to compliance of the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 and Rules 2008, the User Agency has not furnished the requisite **Certificate in FORM-I (for Linear projects)** issued by the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. **The User Agency is being informed again to obtain the said certificate in prescribed format and submit a copy.**

Under the above circumstances and agreeing with the recommendation made by the field officers, it is requested to move the proposal to Government of India for seeking Stage-I (in-principle) approval under Section 2 of the Forest (Conservation) Act, 1980 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 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 for a period of 20 years subject to submission of RoFR Compliance Certificate in FORM-I (for Linear projects) and the conditions appended in Annexure 'A'.

The proforma particulars along with relevant documents in 3 sets are submitted herewith for further action.


Yours Faithfully

(Sanjai Mohan IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

1. Copy to the Chief Conservator of Forests, Kalburgi Circle, Kalburgi for information and necessary action.
2. Copy to the Deputy Conservator of Forests, Bidar Division, Bidar for information and necessary action.
3. Copy to the Executive Engineer, Public Works, Ports & Inland Water Transport Department (NH-Division), H. No. 11/1844, behind SB college Vidya Nagar, Kalaburgi-585103 for information and with a request to obtain requisite **Certificate in FORM-I (for Linear projects)** issued by the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019 (may be downloaded from FC web portal) at the earliest.

ANNEXURE 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), Compensatory Afforestation (CA) charges, cost of extraction of trees, land lease rent and any other levies as per the conditions of approval.
3. The User Agency shall provide for Display Boards of specified dimensions and material at project cost for creating awareness on forest, wildlife and environment issues and speed limits at regular intervals all along the NH stretch within forest limits in consultation with the jurisdictional Deputy Conservator of Forests.
4. The User Agency shall demarcate the lease area in the manner specified at the time of approval at its own cost.
5. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
6. The leased-out area should be used for the purpose for which it is granted. In case the land is not used for the stipulated purpose within two years or when it is no longer needed for the stipulated purpose, the area would stand resumed to the Forest Department.
7. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
8. The application for renewal of the lease in the prescribed form and manner shall be submitted at least six months prior to the expiry of forest lease. In case no renewal is sought, the Lessee shall hand over the lease.
9. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
10. No crushing / breaking of stones or labour camp shall be allowed on forest land and all waste / debris generated shall be scientifically disposed off outside the forest area.
11. Any damage to forest area because of implementation of the proposal shall be compensated by the Lessee. The extent of damage shall be assessed by the jurisdictional Deputy Conservator of Forests/ Conservator of Forests/ Chief Conservator of Forests.
12. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
13. In case, any violation of the provisions of the Karnataka Forest Act, 1963 & Rules, 1969 or other relevant Acts/Rules is reported during the lease period, the lease will be liable for forfeiture under Section 82 of Karnataka Forest Act, 1963. The Chief Conservator of Forests / Deputy Conservator of Forests concerned are authorized to take necessary action in this regard.
14. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
15. The User Agency shall also abide by other conditions those may be imposed by the Government of India, Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force) before or after the approval.


Principal Chief Conservator of Forests
(Head of Forest Force)

PART – IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

<p>Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.</p> <p><i>(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).</i></p>	<p>Recommended for moving the proposal to Government of India for seeking Stage-I (in-principle) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 20.0724 hectare (<i>revised from originally proposed 40.79 ha</i>) 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 for a period of 20 years subject to submission of RoFR Compliance Certificate in FORM-I (for Linear projects) and the conditions appended in Annexure 'A'.</p> <p>[Proposal No. FP/KA/ROAD/33965/2018]</p>
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Signature:

Name:

Designation:


(Rajiv Ranjan IFS)

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

Countersigned by:

Name:

Designation:

(Official Seal)

(SANJAI MOHAN IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)

(Official Seal)

N.D.O. No: 35 /2019-20

Date: 07-09-2020

