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Karnataka Forest Department

Office of the Chief Conservator of Forests, Mangaluru Circle, "Aranya Bhavana"Alape, Padil,
Mangaluru-7

No: A3/CR-35/ Addahole(FC)/2021-22

Date: 30.12.2022.

Proposal No: FP/KA/ROAD/120467/2021

To,

The Principal Chief Conservator of Forests
(Forest Conservation),
Aranya Bhavan,
18th Cross, Malleswaram,
Bangalore – 560 003.

Sir,

Sub: Diversion of 2.5315 ha. additional forest land for Four Laning of the Bangalore to Mangalore section of NH-48 (New-75) from Design Chainage Km 255.140 to 270.270 passing through reserve forest stretch of Four Laning of Addahole (Near Gundya) (Existing Chainage Km 263.000) –reg.

- Ref: 1. Letter No : F.No.4 : KRB 1313/2021-BAN/172, Dated:03-5-2022. (Eds Query) of the Government of India, Ministry of Environment, Forest and Climate Change, New Delhi.
2. Your office letter No : A5(2):GFL/CR-3/ 2019-20, E-office File No. kFD/HOFF/ A5-2/GFL/129/2019/FC/E-88119, Dated: 23-5-2022 and 26.12.2022
3. Letter No: LAND/CR:69/Road widening/2011-12 (Addl.Land), Dated: 29.12.2022 of the Deputy Conservator of Forest, Mangalore Division, Mangalore

With reference to the above subject, the Government of India vide reference (1) has clarification the additional information seeking 'in-principle' (stage –I) approval under Section 2 of the Forest (Conservation) Act, 1980 for the Diversion of 2.5315 ha. additional forest land for Four Laning of the Bangalore to Mangalore section of NH-48 (New-75) from Design Chainage Km 255.140 to 270.270 passing through reserve forest stretch of Four Laning of Addahole (Near Gundya) (Existing Chainage Km 263.000) subject to the certain condition mentioned in your letter cited under reference (2) above and directed to furnish

the compliance report in respect of stage –I approval. Hence, the Deputy Conservator of Forests, Mangalore Division, Mangalore has submitted the following information to this office cited under reference (3).

Sl.No.	Comments in Government of India Letter	Reply / Comments of User Agency	DCF Remarks & Comments
1.	The matter may be examined at the level of Nodal Officer as to Why the original proposal was not adhered to.	<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 	<p>The user agency NHAI has furnished the compliance and details as per letter dated 23.5.2022 of the Principal Chief Conservator of Forests (HoFF) Bangalore. The User agency has furnished in details, the reason for which the original alignment is not technically feasible for construction.</p> <p>As per the information given by the user agency the reason for not adhering the original proposal is due to very high land cuttings, vulnerability of the side slope for landslides and soil erosions. Further stated that, upon detailed study, the proposal for adopting a tunnel was not viable, which will cause and additional expense of Rs.200 crore and it also required extra diversion of</p>

	<p>of trees, wherein the charges for felling of trees was also met by the NHAI.</p> <ul style="list-style-type: none"> • ROW in forest land diverted from Ch 267+200 to Ch 267+800 is 30 Mtrs. During execution it was assessed that excavation and formation of carriage way and the retention of slope in high cutting area was not technically feasible in the stretch Ch 267+200 to Ch 267+800. That to make use of previous diverted forest land, NHAI may need an additional land of more than 5 ha in addition to previous acquired land and may require to fell additional trees of more than 1000 in numbers which is not advisable at this juncture and hence decided to realign to avoid the above said constraints. <p>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 strata is required so that boring procedures can be opted to form a tunnel which is not feasible in this location.</p> <ul style="list-style-type: none"> • Viewing the above practical difficulties NHAI vide letter no. 252 dated 04.06.2018 submitted proposal for existing road alignment and requested APCCF(FC)/Nodal Officer(FCA) for change in alignment plan. • Additional Principal Chief Conservator of 	<p>forest land and clearance of tree growth</p> <p>Keeping in view of the above fact, I suggest that , the 2.744 ha. of land already diverted to the user agency after clearing the tree growths may be used by the way of forming tunnel without considering the cost of the project. This will save forest and avoid obstruction to the movement of Elephants and other wild animals.</p> <p>However, if the User Agency not in a position to taken up tunnelling in already diverted area, than 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 elephant crossing site.</p>
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	<p>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.</p> <ul style="list-style-type: none"> • 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, Design Chainage 318.755 km) section of NH-75 (Old NH-48) 'was divided into 2 packages as under: <ul style="list-style-type: none"> 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. 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 	
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		<p>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 was required.</p> <ul style="list-style-type: none"> • 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 for NHAI. • Project appraisal and Technical Scrutiny Committee (PATSC) pre apprised the project "Four Laning from Design Km 255.140 to Km 270.270 of Addahole - Bantwal section of NH-75 (Old NH-48)-15.130 Kms (i.e. follow the existing road alignment from Ch 266+670 to Ch. 267+840 with some geometrical improvements)" and recommended for consideration by Authority. • Based on recommendation of PATSC, Authority in its 459th meeting on 18.02.2021 approved and sanctioned the project. • Since the project is under 		
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		implementation and the new contractor is on board and about 35% physical progress has been achieved and in view of the above quoted reasons /justification it is requested to kindly consider 2.5315 ha diversion to NHAI.	
2.	Why the user agency has taken up felling of trees in the earlier proposed area, if the re-alignment was not feasible.	<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 sought from the Forest Department for felling of trees, wherein the charges for felling of trees was also met by the NHAI.</p> <p>Hence, cutting of 272 nos. trees is an eye opening for the project which has envisaged the project to be taken up on the realignment which has saved huge cost of construction, large number of trees felling and large extent of forest diversion and also avoided the soil erosion in the dense evergreen forest.</p>	<p>The reasons stated by the user agency for taken up felling of trees in the earlier proposed may be considered. But the User Agency failed to verify this fact at the time of the original proposal.</p>

3.	The details of trees existed in the area and the number of trees already felled.	272 nos. of trees were existing and they were felled with the permission from the Forest Department (Details enclosed).	The fact reported by the user agency is found correct.
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.	Same as in Para 1 of NHAI Compliance Since the project is under implementation and the new contractor is on board and about 35% physical progress has been achieved and in view of the above quoted reasons /justification it is requested to kindly consider 2.5315 ha. diversion to NHAI.	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. However, if the User Agency not in a position to taken up tunnelling in already diverted area, than 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 elephant crossing site.

Further, after verification of the compliance and details given by the User Agency the Deputy Conservator of Forests, Mangalore submit remarks as follows.

1. Out of the originally diverted 33.18 Ha of land i.e., 32.69 Ha in Mangalore Division, an extent of 2.744 Ha. has been resumed back by the department, since this land is not feasible either EUP or EOP. Hence user agency submitting this proposal for

granting additional/alternative forest land of 2.5315 ha. I have inspected additionally/alternative proposed land along with the the Chief Conservator of Forests, Mangalore Circle Mangalore, and it is found that this forest land is an elephant corridor and the river Gundya flowing along the proposed area. Large number of elephants and other wild animals are moving through area from Kudremukha and Pushpagiri wild life sanctuary on either ways. Elephants and other wild animals crossing the river and moving through the D'lines of the Forest is common.

2. Hence keeping in view of the above fact, the 2.744 ha. of land already diverted to the user agency after clearing the tree growths may be made use by the way of forming **tunnel** without considering the cost of the project. This will save forest and avoid obstruction to the movement of Elephants and other wild animals.

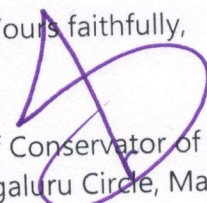
However, if the User Agency not in a position to take up tunnelling in already diverted area, than elevated road on pillar has to be provided to a width of 50 mtr. and 12 mtr. height as this place is one of the important elephant crossing site.

3. Gundya river is passing along the high way in several locations. Hence the wild life mitigation plan already approved has to be revised.
4. After excavation and formation of carriage way, retention of slope in high cutting areas are found in several areas. During rainy season there may be possibility of heavy land slides along the highway. Several trees are found standing dangerously along the high cutting areas. These dangerously standing trees may be uprooted during the rainy season. Hence eco-restoration works has be taken by the user agency in their own cost.

The undersigned and staff's has inspected the site and verified the compliance report submitted by user agency and the Deputy Conservator of Forests, Mangalore and it is found that in the proposed area elephants and other wild animals are moving through the area from Kudremukha National park and Pushpagiri wildlife sanctuary along the D'lines of the Forest. Hence, the 2.744 ha. of land already diverted to the user agency after clearing the tree growths may be made use as the way of forming **tunnel** without considering the cost of the project. This will save forest and avoid obstruction to the movement of Elephants and other wild animals.

Therefore, the compliance report received from the Deputy Conservator of Forests, Mangalore Division, Mangalore in 4 copies is herewith submitted along with connected records with a request to move the matter with the Government for further needful action.

Yours faithfully,


Chief Conservator of Forests,
Mangaluru Circle, Mangaluru.