

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

Office of
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,

ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003

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Old File No. A5(2).GFL.CR-34/2019-20

E-office File No.KFD/HOFF/A5-2(GFL)/7/2020-FC

Encl: 3 sets of proposals

E-209543

Date 31-12-2021

03/01/2022.

To,

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

Sir,

Sub: Diversion of 0.25 hectare of forest land in Mutyanatti Village, Kakti Hobli, Belagavi Taluk and District (Belagavi Forest Division) for construction of Elevated Level Service Reservoir (ELSR) under Karnataka Urban Water Supply Modernization Project (KUWSMP) in favour of Commissioner, Belagavi City Corporation.

Proposal No. FP/KA/WATER/43438/2019/[FORM A]

Ref: 1. Online proposal [FORM-A PART-I] dated 26-11-2020 (re submitted) of Commissioner, Belagavi City Corporation, Belagavi District r/w acknowledgement uploaded online on 12-03-2021 by User Agency for having delivered the hard copy proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner.

2. This office online communication dated 15-03-2021 to Deputy Conservator of Forests, Belagavi Division for further processing of proposal.

3. Online submission of PART-II on 28-10-2021 by the Deputy Conservator of Forests, Belagavi Division.

4. Online submission of PART-III on 23-11-2021 by the Chief Conservator of Forests, Belagavi Circle [letter No.A7/LND/FC /ELSR/BGM/CR-/2021-22 dated 23-11-2021]

1. The Commissioner, Belagavi City Corporation, Belagavi District [USER AGENCY] vide ref (1) has submitted an online proposal [FORM-A PART-I] through FC web portal seeking approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.25 hectare of forest land in Mutyanatti Village, Kakti Hobli, Belagavi Taluk and District (Belagavi forest division) for

construction of Elevated Level Service Reservoir (ELSR) under Karnataka Urban Water Supply Modernization Project (KUWSMP). After uploading of acknowledgement on 12-03-2021 by User Agency for having delivered the hard copies of the proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner, an online communication was made by the Nodal Officer (FCA) vide ref (2) to the Deputy Conservator of Forests, Belagavi Division to process the proposal under the Forest (Conservation) Act, 1980 and to submit specific opinion / recommendation.

2. Location details and Component-wise breakup of forest land requirement:

The details of the location of forest land and component wise requirement are given below.

District, Taluk, Hobli, Village	Village	Sy No.	Forest extent proposed for diversion (ha)	Project component	Legal status of land
Belagavi District & Taluk,	Mutyanatti	176	0.25	Elevated Level Service Reservoir(ELSR)	Reserved Forest
Total			0.25		

3. Report of DCF, Belagavi Division: The Deputy Conservator of Forests, Belagavi Division has inspected the site on 26-07-2021 and vide ref (3) has submitted his report along with site inspection report in PART-II to Chief Conservator of Forests, Belagavi Circle. Main features of the proposal based on the reports of the Deputy Conservator of Forests, Belagavi Division r/w report of Chief Conservator of Forests, Belagavi Circle and that of ICT Centre of Forest Department are summarized below.

- a. The forest land proposed for diversion is not vulnerable to soil erosion.
- b. The forest land proposed for diversion is in general landscape of Eco-class-III (tropical dry deciduous forest) with a canopy density of up to 0.2 (Open Forest).
- c. As per Item 4(ii) of PART-II of the proposal, there are no trees on the forest land proposed for diversion.
- d. There are no main wild animals reported in and around the project area.
- e. There are no other rare/ endangered/ unique species of flora and fauna reported in and around the forest land proposed for diversion.
- f. The forest land proposed for diversion does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc.

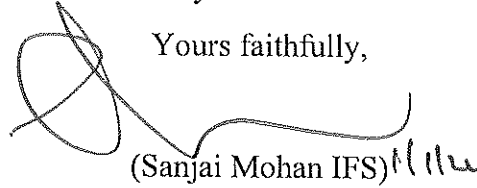
- g. There are no protected/ archaeological/ heritage sites or Defence establishments or important monuments in the area.
 - h. There is no violation reported under the Forest (Conservation) Act, 1980.
 - i. The requirement of forest land for the project is bare minimum and unavoidable.
4. **CCF, Belagavi Circle Report:** The Chief Conservator of Forests, Belagavi Circle has agreed the report of Deputy conservator of Forests, Belagavi Division. The Chief Conservator of Forests, Belagavi Circle vide ref (4) has submitted his report in PART-III and has also recommended the proposal.
 5. **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 agreeing to pay the Net Present Value (NPV) of the forest land proposed for diversion.**
 6. **Compensatory Afforestation (CA):** Present proposal involves diversion of within one hectare of forest land. The latest FC guidelines are silent on the requirement of equivalent extent of non-forest land for the FC proposals involving diversion of forest land up to one hectare. However, para 3.2(viii) of the immediately previous FC guidelines exempted such proposals from requirement of raising CA. Therefore, the present FC proposal may also be exempted from the requirement of raising CA. However, para 2.6(i) of the latest FC guidelines mentioned above mandates that the cost of plantation (including ten years maintenance) of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum number of 100 plants) shall be levied from the User Agency towards compensatory planting. Even if there are no trees on the forest land proposed for diversion in the proposal, the User Agency will be required to pay the applicable charges in accordance with the PCCF (HoFF) O.M. KFD/HOFF/A5-3(GFL)/34/2019-FC [E-88289] dated 19-04-2021 **in case any tree felling is required in forest land at the time of execution of the project.**
 7. **Status of RoFR compliance:** In order to meet the requirement of the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules 2008 and the FC Guidelines, the User Agency has not obtained/ furnished the (copy of) requisite **RoFR Certificate in FORM-II (for Non-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. Accordingly, **the User Agency is being informed**

once again to obtain the said certificate in prescribed format and submit a copy.

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to consider according 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.25 hectare of forest land in Mutyanatti Village, Kakti Hobli, Belagavi Taluk and District (Belagavi Forest Division) for construction of Elevated Level Service Reservoir (ELSR) under Karnataka Urban Water Supply Modernization Project (KUWSMP) in favour of Commissioner, Belagavi City Corporation for a period of 20 years, subject to production of FRA Certificate in FORM-II (for Non-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 and further subject to the conditions listed in Annexure 'A'.

The hard copy of the proposal along with the relevant documents in 3 sets is submitted herewith for further needful. The present status (Timeline) of the proposal obtained from the web-portal is also appended for necessary action.

Yours faithfully,



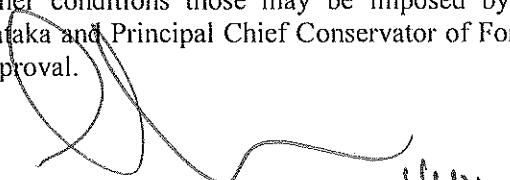
(Sanjai Mohan IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Chief Conservator of Forests, Belagavi Circle, Belagavi for information.
2. Deputy Conservator of Forests, Belagavi Division for information.
3. Commissioner, Belagavi City Corporation, CTS No. 4821/26, 4821/27A, RS No. 1005, Shubhashnagar, Belagavi - 590 016 for information with a request to obtain RoFR Certificate in FORM-II (for Non-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 (available on FC web portal) and submit the authenticated / attested copies at the earliest.

ANNEXURE - A

1. The legal status of forest land shall remain unchanged and it shall continue to be the forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), Compensatory Afforestation (CA) charges, cost of extraction of trees (if required in future), land lease rent and any other levies as per the conditions of approval.
3. The User Agency shall demarcate the lease area in the manner specified at the time of approval at its own cost.
4. The Lessee shall provide signages in appropriate dimensions and kind near the proposed Elevated Level Service Reservoir (ELSR) within forest limits for sensitization of general public towards the forest, wildlife and environmental issues in consultation with the jurisdictional Deputy Conservator of Forests.
5. The lessee shall not sub-lease, mortgage and 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. 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.
8. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
9. No crushing / breaking of stones or labour camp shall be allowed inside forest area and all waste / debris generated shall be scientifically disposed off outside the forest area.
10. Any damage to forest area because of implementation of the project 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.
11. The lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
12. No change in Land Use Plan shall be done unless prior approval of Government of India under FC Act is obtained.
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 and/or 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.



(Sanjai Mohan IFS)
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 considering according 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.25 hectare of forest land in Mutyanatti Village, Kakti Hobli, Belagavi Taluk and District (Belagavi Forest Division) for construction of Elevated Level Service Reservoir (ELSR) under Karnataka Urban Water Supply Modernization Project (KUWSMP) in favour of Commissioner, Belagavi City Corporation for a period of 20 years, subject to production of FRA Certificate in FORM-II (for Non-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 and further subject to the conditions listed in Annexure 'A'</p> <p>[FP/KA/WATER/43438/2019] [FORM A]</p>
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Signature:
Name:
Designation:


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

(Official Seal):

Counter signed by :
Name:
Designation:


SANJAI MOHAN IFS
Principal Chief Conservator of Forests
(Head of Forest Force)

(Official Seal):

N.D.O. No: 37/2021-22

Date: -12-2021
03/01/2022