

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

Aranya Bhavan, 18th Cross
Malleshwaram, Bengaluru-560 003

Telephone : 080 2334 6472

Email : apccffc@gmail.com

E-office File No. KFD/HOFF/A5-3(GFL)/14/2020-FC

Encl: 3 sets of the proposal hard copies

E-303726

Date: 04-03-2023

To,

The Additional Chief Secretary to Government
Forest, Ecology and Environment Department
M.S. Building, Dr. Ambedkar Veedhi, Bengaluru – 560 001

Sir,

Sub: Diversion of 0.8477 hectare (revised from 0.778 hectare) of forest land in Bheemanakere Village SyNo. 120 and Hallikere Vilage Sy No. 92, Byadarahalli Sy.No. 21, Kasaba Hobli, Maddur Taluk, Mandya District (Mandya Forest Division) for filling of 16 Tanks for drinking water purpose in favour of Executive Engineer, Cauvery Neeravari Nigama Limited (CNL), VC Division, Kaveri Bhavan, Bangalore Mysore Road, Near Sanjay Circle, Mandya

Proposal No. FP/KA/IRRIGATION/47109/2020 [FORM A]

- Ref:**
1. Online proposal [FORM-A PART-I] dated 02-01-2023 (re submitted) of the Executive Engineer Cauvery Neeravari Nigama Limited (CNL) VC Division Kaveri Bhavan, Bangalore Mysore Road, Near Sanjay Circle, Mandya – 571 401 r/w Acknowledgement uploaded online on 08-02-2023 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 13-02-2023 to Deputy Conservator of Forests, Mandya division, Mandya for further processing of proposal.
 3. Online submission of PART-II on 22-02-2023 by the Deputy Conservator of Forests, Mandya Division, Mandya.
 4. Online submission of PART-III by the Conservator of Forests, Mysore Circle to Nodal Officer on 23-02-2023 [letter No C1/Land/FC/CR-21/2022-23 dated 23-02-2023]

1. Executive Engineer Cauvery Neeravari Nigama Limited (CNL), VC Division Kaveri Bhavan, Bangalore Mysore Road, Near Sanjay Circle, Mandya [USER AGENCY] has (re)submitted an online proposal [FORM-A PART-I] vide Ref (1) on 02-01-2023 seeking approval under the Forest (Conservation) Act, 1980 for diversion of 0.8477 hectare (revised from 0.778 hectare) of forest land in Bheemanakere Village SyNo. 120 and Hallikere Vilage Sy No. 92, Hallikere Sy.No. Stream Kasaba Hobli,

Maddur Taluk, Mandya District (Mandya Forest Division) for filling of 16 Tanks for drinking water purpose. The same was accepted by Nodal Officer (FCA) on 17-01-2023 for further processing. After receiving the Acknowledgement online on 08-02-2023 for having delivered the hard copies of the proposal by the User Agency to the jurisdictional Deputy Conservators of Forests & Deputy Commissioners, the online link was forwarded by this office vide Ref (2) to the Deputy Conservator of Forests, Mandya Division for field verification and further processing under Section 2 of the Forest (Conservation) Act, 1980.

2. **Location details and Component wise break up:** The forest land proposed for diversion is mentioned below:

District, Taluk	Village	Sy.No.	Forest Land proposed for diversion (ha)	Legal Status of Land
Mandya District, Maddur Taluk,	Bydarahalli	21	0.4573	District Level Committee (D.L.C) Forest
	Hallikere	92	0.2388	
	Bheemanakere	120	0.1516	
Total			0.8477	

Component wise breakup: Details of requirement of the forest land for various components are given below:

Sl.No.	Name of the Project component	Forest extent proposed for diversion (ha)
1	Rising Main	0.7569
2	Distributary Pipeline	0.0908
	Total	0.8477

3. **DCF, Mandya Division Report:** The Deputy Conservator of Forests, Mandya Division has inspected the spot on 31-01-2023, 17-02-2023 and has submitted the Site Inspection Report, the details of the area along with the recommendation in the form of PART-II of the proposal vide Ref (3) to Conservator of Forests, Mysore Circle. Main features of the proposal based on the DCF Mandya Report r/w the report of the CF, Mysore Circle and that of the ICT Centre of Forest Department are as follows.

- The forest land proposed for diversion is moderately vulnerable to soil erosion along the slopes of hillock.
- The Forest land proposed for diversion is in general landscape of Eco-Class-III (Tropical Dry Deciduous Forests) with canopy density of 0.4
- As per Item 4(ii) of PART-II of the proposal, there are 41 trees in various girth classes in the forest land proposed for diversion. Major tree species include *Eucalyptus*, *Acacia auriculiformis*, *Hardwickia Binnata* and other species.
- There are no other rare /endangered/ unique species of flora and fauna reported in the area.

- e. 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.
 - f. There are no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor within one kilometre from the boundary of the forest land proposed for diversion.
 - 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 protected archaeological/ heritage site/defence establishment or any other important monument located in the area.
 - i. The requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project.
 - j. There is no violation reported under Forest (Conservation) Act, 1980
4. **CF, Mysore Circle Report:** The Conservator of Forests, Mysore Circle has inspected the proposed area personally on 17-02-2023 and has vide Ref (4) submitted the Site Inspection Report in PART-III online. Agreeing with the recommendation made by the Deputy Conservator of Forests, Mandya Division, the Conservator of Forests, Mysore Circle has also recommended the proposal.
5. **Net Present Value (NPV):** The User Agency 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 the Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-4/2011-FC (Vol-I) dated 06-01-2022 and 19-01-2022. **The User Agency has submitted an Undertaking 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. Accordingly, **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 24-05-2022. The User Agency has submitted an Undertaking agreeing to pay the required charges.**
7. **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.**

8. **Additional Information:** DCF Mandya has reported that said project area proposed by UA has an aerial distance of approximately 3.5 KM from Kokkare Bellur Community reserve.

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to consider according 'in-principle' (Stage-I) approval under the Forest (Conservation) Act, 1980 for diversion of 0.8477 hectare (revised from 0.778 hectare) of forest land in Bheemanakere Village SyNo. 120 and HallikereVilage Sy No. 92, Byadarahalli Sy.No. 21, Kasaba Hobli, Maddur Taluk, Mandya District (Mandya Forest Division) for filling of 16 Tanks for drinking water purpose in favour of Executive Engineer, Cauvery Neeravari Nigama Limited (CNNL), VC Division, Kaveri Bhavan, Bangalore Mysore Road, Near Sanjay Circle, Mandya for a period of Twenty (20) years subject to the production of RoFR certificate in FORM-I (for Linear projects) 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 also subject to conditions appended in Annexure 'A'.

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

Yours Faithfully


(Raj Kishore Singh IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Conservator of Forests, Mysore Circle Mysore for information.
2. Deputy Conservator of Forests, Mandya Division for information
3. Executive Engineer, Cauvery Neeravari Nigama Limited (CNNL), VC Division, Kaveri Bhavan, Bangalore Mysore Road, Near Sanjay Circle, Mandya for information and further action to obtain and **produce the RoFR Certificate in FORM-I (for Liner projects) 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.**

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), 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 not sub-lease, mortgage & hypothecate the forest area.
5. 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.
6. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
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. All waste / debris generated shall be scientifically disposed off outside the forest area.
10. 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.
11. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
12. 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.
13. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
14. 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) 4/3

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 the Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.8477 hectare (revised from 0.778 hectare) of forest land in Bheemanakere Village SyNo. 120 and Hallikere Vilage Sy No. 92, Byadarahalli Sy.No. 21, Kasaba Hobli, Maddur Taluk, Mandya District for filling of 16 Tanks for drinking water purpose in favour of Executive Engineer, Cauvery Neeravari Nigama Limited (CNNL), VC Division, Kaveri Bhavan, Bangalore Mysore Road, Near Sanjay Circle, Mandya for a period of Twenty (20) years and subject to the production of RoFR certificate in FORM-I (Liner 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 also subject to conditions appended in Annexure 'A'. [Proposal No FP/KA/IRRG/47109/2020] [FORM A]</p>
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Signature:



Name:

VIJAY SHARMA, IFS

Designation:

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

Counter signed
by:



Name:

RAJ KISHORE SINGH, IFS

4.3.23

Designation:

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

N.D.O. No. **71** /2022-23

(Official Seal)

Dated **04** /03/2023