

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿOffice of
Principal Chief Conservator of Forests
(Head of Forest Force)ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡ ರಸ್ತೆ, ಮಲ್ಲೇಶ್ವರಂ,
ಬೆಂಗಳೂರು-560 003.Aranya Bhavan, 18th Cross,
Malleshwaram, Bengaluru-560 003
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No.A5(2).GFL.CR-05/2016-17

Date: 06-12-2017

Proposal No. FP/KA/WATER/26128/2017

To,

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

Sir,

Sub: Diversion of 0.352 ha of forest land in Sy. No. 56 of Kollur Village, Kundapur Taluk, Udupi District for construction of Vented Dam for providing water to Kollur village in favour of the Executive Officer, Sri Mookambika Temple, Kollur-reg.

- Ref: 1. Letter No. FP/KA/WATER/26128/2017 dated 21-07-2017 (re-submitted) of the Executive Officer, Sri Mookambika Temple, Kollur.
2. This office online communication dated 01-08-2017.
3. On line submission of PART-II by Deputy Conservator of Forests, Kundapur Division to Chief Conservator of Forests, Mangaluru Circle on 26-08-2017.
4. Letter No. A3/MIS-47/vented dam/(Kollur)/FC/2017-18 dated 30-08-2017 of the Chief Conservator of Forests, Mangaluru Circle, Mangaluru
5. Online submission of PART-III by the Chief Conservator of Forests, Mangaluru Circle to Nodal Officer on dated 30-08-2017.
6. Letter No.PCCF(WL)/D/CR-45/2017-18 dated 21-11-2017 of the Additional Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden, Karnataka, Aranya Bhavan, Bengaluru.

The Executive Officer, Sri Mookambika Temple, Kollur vide reference (1) has submitted a proposal through web portal mode for diversion of 0.352 ha of forest land in Sy. No. 56 of Kollur Village, Kundapur Taluk, Udupi District for construction of Vented Dam for providing water to Kollur village for obtaining approval under Forest (Conservation) Act, 1980. Accordingly, a communication through online was made by Nodal Officer vide reference (2) to the Deputy Conservator of Forests, Kundapur Division, Kundapur and Deputy Commissioner, Udupi District to process the said proposal and to submit their specific opinion / recommendations.

The Deputy Conservator of Forests, Kundapur Division, Kundapur vide reference (3) has submitted his report (PART-II) online alongwith his Site Inspection Report to Chief Conservator of Forests, Mangaluru Circle, Mangaluru .

In turn, the Chief Conservator of Forests, Mangaluru Circle has submitted his report (Part-III) vide reference (4) and uploaded it online vide reference (5).

The proposal and the reports of field officers have been examined. The details of the proposal are given below.

Purpose-wise breakup	Village	Sy.No.	Extent (in ha)	Status of forest land
Vented Dam	Kollur	56	0.096	Recorded as forest in Revenue Department Records.
Submersion area-1	Kollur	56	0.056	
Submersion area-2	Kollur	56	0.200	
Total			0.352	

The Deputy Conservator of Forests, Kundapur Division, Kundapur has inspected the project site on 18-08-2017 and 02-11-2017 and reported the following.

1. The proposed area is barest minimum & unavoidable.
2. There are 156 trees of different species which may have to be felled for execution of the project. Abstract of tree enumeration is enclosed.

3. The proposed area does not form a part of any declared National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger reserve or elephant corridor. However, the proposed site / location is 25 meters to 100 meters outside the boundary of Kolluru Mookambika Wildlife Sanctuary i.e., from Meginavalley RF.
4. There are no protected / archeological / heritage sites / defence / establishments located in the proposed area.
5. The proposed site is within the limits of Eco-Sensitive Zone (ESZ) of Mookambika Wildlife Sanctuary. And falls in Kollur revenue village which is enclosed inside the Mookambika Wildlife Sanctuary.
6. The proposed forest area is on steep slope and has closed canopy, which is prone to soil erosion if leveling is done and also prone to land slide. Hence necessary precautionary measures have to be taken by the User Agency.
7. The proposed area is in Eco-class-I, consisting of tropical evergreen dense forest having vegetation density of 1.
8. There is no violation reported under Forest (Conservation) Act, 1980.

The Deputy Conservator of Forests, Kudremukha Wildlife Division, Karkala has also inspected the site on 02-11-2017 and reported that *"as per boundary description details of Meginivalley Reserved Forest and ground verification the entire vented dam construction area and water impounding area falls outside the boundary of Mookambika Wildlife Sanctuary"*. The same has been endorsed by the Additional Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden, Karnataka, Bengaluru vide ref (5).

The Chief Conservator of Forests, Mangaluru Circle has not inspected the site. However, agreeing with the recommendations of the Deputy Conservator of Forests, Kundapur Division, he has recommended for acceptance of the proposal submitting his remarks / specific opinion in Part-III of the proposal.

The forest area proposed is less than 1.00 ha and as per Para 3.2 (viii) (b) of FC Rules 2003 there is exemption for raising Compensatory Afforestation (CA). However, as the proposed area has 156 trees of different species which are marked for felling, the Deputy Conservator of Forests, Kundapur has proposed for planting of 1560 plants (10 times of the trees marked for felling) with a financial outlay of Rs.29.81 lakhs. In this regard the User Agency has agreed to pay the charges of Compensatory Afforestation by way of Undertaking.

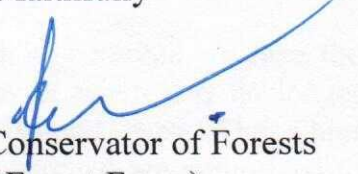
Further, the User Agency has to pay the Net Present Value (NPV) of forest land being diverted under this proposal as per conditions stipulated by Government of India, Ministry of Environment and Forests, New Delhi vide letter No. 11-9/98-FC dated 13-02-2014 and Orders dated 28-3-2008 and 9-5-2008 of the Hon'ble Supreme Court of India in I.A.No. 826 in I.A. 566 in WP(C) No. 202/1995, for which, an Undertaking has been provided.

With regard to compliance of Recognition of Forests Rights (RoFR) Act 2006, the User Agency has not furnished copy of requisite Certificate as per guidelines issued by Ministry of Environment and Forest, New Delhi vide letter No. 11-9/1198-FC(Pt) dated 03-08-2009/05-07-2013 in Form- II. The same will be obtained from the User Agency before final approval for diversion of 0.352 ha of forest land under Forest (Conservation) Act, 1980 is granted.

Under the above circumstances, while agreeing with recommendation of the field officers, it is requested to kindly move this proposal with the Government of India, Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Bengaluru for according 'in-principle' (Stage-I) approval for a period of twenty (20) years, subject to production of requisite Certificate in Form-II issued by the Deputy Commissioner, Udupi District and other conditions appended in Annexure 'A'.

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

Yours faithfully


Principal Chief Conservator of Forests
(Head of Forest Force)

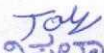
Copy with compliments to the Principal Chief Conservator of Forests (Wildlife) Aranya Bhavana, Bengaluru for information.

Copy to the Additional Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden, Karnataka, Aranya Bhavana, Bengaluru for information and necessary action.

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

Copy to the Deputy Conservator of Forests, Kundapur Division, Kundapur for necessary action.

Copy to the Executive Officer, Sri Mookambika Temple , Kollur Post Udupi District-576 220 for information and with a request to furnish requisite RoFR Certificate as per guidelines issued by Ministry of Environment and Forest, New Delhi vide letter No. 11-9/1198-FC(Pt) dated 03-08-2009/05-07-2013 in Form-II at the earliest.


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ANNEXURE 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be as Forest land.
2. The lessee shall pay lease rent as fixed by the Government from time to time.
3. The lease tenure shall be for a period of 20 (twenty) years.
4. 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 one year or when it is no longer needed for the stipulated purpose, the area shall be resumed back. The Chief Conservator of Forests / Deputy Conservator of Forests concerned are authorized to take necessary action in this regard.
5. In case, any violations are committed by the User Agency, the lease shall be liable for cancellation under Section 82 of Karnataka Forest Act 1963. The Chief Conservator of Forests concerned is authorized to take necessary action in this regard.
6. No residential buildings shall be permitted in the proposed forest area.
7. The leased area shall be demarcated on ground visibly and appropriately at the cost of the User Agency.
8. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
9. User Agency has to pay cost of raising plantation (1560 plants, that is, 10 times of the trees marked for felling) with a financial outlay as on date of planting.
10. The User Agency has to pay the Net Present Value (NPV) of forest land diverted under this proposal as per conditions stipulated by Government of India, Ministry of Environment and Forests, New Delhi vide letter No. 11-9/98-FC dated 13-02-2014 and orders dated 28-3-2008 and 9-5-2008 of the Hon'ble Supreme Court of India.
11. The User Agency should pay the cost of soil erosion and land slide control measures, to be carried out in the adjacent forest areas upto 50 m width on either side for 1100 m length upstream of the dam in accordance with the estimate prepared by the Deputy Conservator of Forests, Kundapur Division.
12. The User Agency should pay the cost of felling / extraction and transportation of trees for execution of the project in accordance with the estimate prepared by the Deputy Conservator of Forests, Kundapur Division.
13. The User Agency to ensure that there shall be no damage to the existing fauna and other flora in the region.
14. No labour camp shall be established on the forest land.
15. Any damage to forest area caused by such works shall be compensated by the User Agency. The extent of damage shall be assessed by the Deputy Conservator of Forests concerned.
16. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
17. The User Agency shall also abide by all the conditions imposed upon by Government of India, the Government of Karnataka and the Principal Chief Conservator of Forests (Head of Forest Force).


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>(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).</p>	<p>Recommended for diversion of 0.352 hectare of forest land in Sy. No. 56 of Kollur Village, Kundapur Taluk, Udupi District for construction of Vented Dam for providing water to Kollur village in favour of the Executive Officer, Sri Mookambika Temple, Kollur under the Forest (Conservation) Act, 1980 subject to specific condition regarding FRA compliance and the conditions appended in Annexure 'A'.</p>
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Signature:

Name:

Designation:

JAGMOHAN SHARMA IFS

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

(Official Seal):

Counter signed by :

Name:

Designation:

K.S. SUGARA IFS

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

(Official Seal):

N.D.O. No: *28* /2017-18.

Date: *6* -12-2017.

