

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 0.1054 ha. of forest land in Bantwal Taluk, D.K. District to provide safe drinking water to 80 habitations which caters to around 3800 SC & ST population among others in favour of the Executive Engineer, Rural Drinking water Supply and Sanitation Department, Mangaluru under the Forest (Conservation) Act, 1980 subject to the specific condition & conditions appended in Annexure 'A'.</p>
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Signature:

Name:

Designation:

P. ANUR REDDY, IFS.,

Nodal Officer &

**Additional Principal Chief Conservator of Forests
(Forest Conservation) Bangalore.**

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5/8/16

(Official Seal):

Counter signed by :

Name:

Designation:

R.S. SURESH, IFS.,

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

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5/8/16

(Official Seal):

N.D.O. No: 08/2016-17.

Date: 06-08-2016.



C.No.15045

No. A5(2).GFL.CR-16/2015-16

Proposal No. FP/KA/WATER/15630/2015

En 3 sets

Office of the
Principal Chief Conservator of Forests
(Head of Forest Force),
Aranya Bhavan, Malleshwaram,
Bengaluru - 560 003, dated 05-08-2016.
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To

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

Sir,

Sub: Diversion of **0.1054 ha.** (submitted by User Agency for 0.03 ha.) of forest land in Bantwal Taluk, D.K. District to provide safe drinking water to 80 habitations which caters to around 3800 SC & ST population among others in favour of the Executive Engineer, Rural Drinking water Supply and Sanitation Department, Mangaluru-reg.

- Ref: 1. Letter No. FP/KA/WATER/15630/2015 dated 28-09-2015 of the Executive Engineer, Rural Drinking water Supply and Sanitation Department, Mangaluru.
2. This office communication dated 14-03-2016.
3. Letter No. A3/Drinking water/CR-96/2015-16 dated 28-03-2016 of the Chief Conservator of Forests, Mangaluru Circle, Mangaluru.
4. Letter No. Land/CR-186/FC/Drinking water/2015-16 dated 20-07-2016 of the Deputy Conservator of Forests, Mangaluru Division.
5. Online submission of proposal / reply by the Chief Conservator of Forests, Mangaluru Circle dated 21-07-2016

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The Executive Engineer, Rural Drinking water Supply and Sanitation Department, Mangaluru vide letter under reference (1) above has submitted a proposal (through web portal mode) for diversion of 0.03 ha. of forest land in

Bantwal Taluk, D.K. District to provide safe drinking water to 80 habitations which caters to around 3800 SC & ST population among others in favour of the Executive Engineer, Rural Drinking water Supply and Sanitation Department, Mangalore for obtaining approval under Forest (Conservation) Act, 1980. Accordingly, communication through online was made to the concerned Deputy Conservator of Forests, Mangaluru Division Chief Conservator of Forests, Mangaluru Circle & the Deputy Commissioner, D.K. District to process the said proposal and to submit their specific opinion / recommendations. In response, the Deputy Conservator of Forests, Mangaluru Division & Chief Conservator of Forests, Mangaluru Circle has processed the proposal for 0.1054 ha. and submitted report vide letters cited under reference (3,4 & 5) above.

The details of the proposal are as follows:

Sl.No.	Purpose-wise breakup	Village	Length x Width=Area (sqm)	Extent (in ha.)
1.	For laying of Pipeline.	Kanyana	1700x 0.45	0.0765
2.	For Construction of Tank	Kanyana	17x17	0.0289
			Total	0.1054

The Deputy Conservator of Forests, Mangaluru Division, Mangaluru has inspected the project spot on 17-03-2016 and stated as follows:

1. The requirement of forest land proposed by the User Agency is unavoidable and barest minimum for the project.
2. Though the proposed pipeline runs through the Acacia plantation, no trees needs to be felled.
3. The proposed forest area falls under Eco-Class-I category having canopy density of 0.6.
4. There are no rare / endangered / unique species of flora and fauna in the proposed area.
5. There are no protected / archeological / heritage sites / defence no such protected sites located in the proposed area.

6. The proposed forest area does not form part of any Wildlife Sanctuary, National Park, Biosphere Reserve, Tiger Reserve or Elephant Corridor, etc.
7. The forest is not vulnerable to erosion.
8. There is no violation reported under Forest Conservation Act, 1980.

In the instant case the forest area proposed is less than 1 ha. and as per Para 3.2 (viii) (b) of Forest (Conservation) Rules 2003 there is exemption for raising Compensatory Afforestation (CA).

The Chief Conservator of Forests, Mangaluru Circle, Mangaluru has recommended the proposal in form-'A' Part III for acceptance duly agreeing with the recommendations of the Deputy Conservator of Forests, Mangaluru Division, Mangaluru.

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. However, the User Agency has not given any undertaking to pay the Net Present Value towards 0.1054 ha. of forest land proposed for diversion.

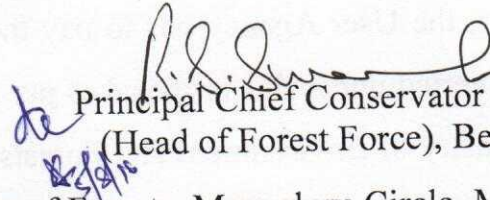
With regard to compliance of Recognition of Forests Rights (ROFR) Act 2006, the User Agency has not furnished copies Requisite certificates as per guidelines issued by Ministry of Environment and Forest, New Delhi vide letter No. 11-9/1198-FC(Pt) dated 03-08-2009/05-07-2013 both in Form-I / II.

Under the above circumstances, while agreeing with recommendation of the field officers, it is requested to issue approval under Section-2 of Forest (Conservation) Act, 1980 for diversion of **0.1054 ha.** of forest land in Bantwal

Taluk, D.K. District to provide safe drinking water to 80 habitations which caters to around 3800 SC & ST population among others in favour of the Executive Engineer, Rural Drinking water Supply and Sanitation Department, Mangaluru, as per guide lines issued by Government of India, Ministry of Environment, Forests and Climate Change New Delhi vide No. 11-9/98-FC dated 13-02-2014 (General Approval) for a period of 20 years, subject to production of Certificate in Form-I issued by the Deputy Commissioner, D.K. District 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 by the User Agency and also subject to the 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), Bengaluru.

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

Copy to the Deputy Conservator of Forests, Mangaluru Division, Mangaluru for information & necessary action.


Copy to Executive Engineer, Rural Drinking water Supply and Sanitation Department, Zilla Panchayat Building, Mangaluru, D.K. District-575 5006 for information & necessary action.


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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 Govt. 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 concerned Chief Conservator of Forests / Deputy Conservator of Forests is authorized to take necessary action in this regard.
5. In case any violations are committed by the user agency under any of the Forest Acts and rules, the proposed Forest Land shall be liable for forfeiture under Section 82 of Karnataka Forest Act 1963. The concerned Chief Conservator of Forests is authorized to take necessary action in this regard.
6. No residential buildings shall be permitted in the proposed forest area.
7. The leased out area shall be demarcated on ground by fixing RCC pillars at an interval of 20.00 Mtrs and the boundary shall be fenced with chain link mesh 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. 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.
10. The User Agency to ensure that there shall be no damage to the available fauna and other flora.
11. No labour camp shall be established on the forest land.

12. Any damage to forest area due to such works shall be compensated by the User Agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
13. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
14. 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), Bengaluru.

[Handwritten initials and date 12/11/16 are visible to the left of the signature.]