

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003
Aranya Bhavan, 18th Cross
Malleshwaram, Bengaluru-560 003
Telephone: 080 2334 6472
Email : apccffc@gmail.com

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

E-office File No. KFD/HoFF/A5-4(GFL)/19/2020-FC

E-260363

Date 12-06-2020

15-06-2020

To,

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

Sir,

Sub: Re-diversion of 0.15 hectare of forest land in Bandahalli Village Sy No. 38 and Aruru Village Sy No. 262 (Haristhala State Forest), Mandikallu Hobli, Chikkaballapur Taluk & District for laying of 490 Dia MS Pipeline for lifting / pumping secondary treated sewage water from HN Valley impounded in Kandavara lake of Chikkaballapur District to Poornasagara kere and onwards to fill 28 tanks of Chikkaballapur, Sidlaghatta and Gudibande Taluks of Chikkaballapur District in favour of Executive Engineer, Minor Irrigation and Ground Water Resource Division, Chikkaballapur [SECONDARY USER AGENCY] from the already diverted forest land of National Highway Authority of India [PRIMARY USER AGENCY]

Proposal No. FP/KA/IRRIG/45295/2020

- Ref:**
1. Government of India, Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Bengaluru letter No. 4-KRC 159/2006/BAN dated 24-07-2007 [Stage-II approval for 14.20 ha in favour of NHAI]
 2. Government of Karnataka Order No. FEE 189 FLL 2005 dated 30-08-2007 [formal approval for diversion]
 3. Online Proposal [FORM-A PART-I] dated 06-05-2020 (re-submitted) of the Executive Engineer, Minor Irrigation and Ground Water Resource Division, Chikkaballapur r/w uploading of Acknowledgement online on 13-05-2020 for having delivered hard copy of proposal to jurisdictional DCF & DC

4. This office online communication dated 14-05-2020 to Deputy Conservators of Forests, Chikkaballapur Division for further processing of proposal
 5. Online submission of PART-II by Deputy Conservator of Forests, Chikkaballapur Division on 27-05-2020 r/w online reply dated 26-05-2020 of User Agency to the EDS query [Letter No. A3/BUD/CR- /2020-21/72 dated 27-05-2020]
 6. Online submission of PART-III by Chief Conservator of Forests, Bengaluru Circle on 29-05-2020 [Letter No. A11/Land/CR- 7/2020-21 dated 30-05-2020]
1. The Government of India vide Ref (1) had accorded approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 14.20 ha in Aruru village Sy No. 262, Bandahalli village Sy No. 38 and some other village/ Survey Numbers of Chikkaballapur District (*part of the then undivided Kolar District*) for widening and strengthening of NH-7 in favour of the General Manager (Tech) and Project Director, National Highway Authority of India [**PRIMARY USER AGENCY**]. Accordingly, the Government of Karnataka vide Ref (2) accorded the formal approval for diversion of the forest land concerned.
 2. The Executive Engineer, Minor Irrigation and Ground Water Resource Division, Chikkaballapur [**SECONDARY USER AGENCY**] vide Ref (3) has now submitted an online proposal [FORM-A PART-I] through FC Web Portal seeking approval under Section 2 of the Forest (Conservation) Act, 1980 for re-diversion of 0.15 hectare of forest land in Bandahalli Village Sy No. 38 (0.141 ha) and in Aruru Village Sy No. 262 in Haristhala State Forest, Mandikallu Hobli, Chikkaballapur Taluk & District for laying of 490 Dia MS Pipeline for lifting / pumping secondary treated sewage water from HN Valley impounded in Kandavara lake of Chikkaballapur District to Poornasagara kere and onwards to fill 28 tanks of Chikkaballapur, Sidlaghatta and Gudibande Taluks of Chikkaballapur District in the same FC approved forest land. After acceptance of the proposal by Nodal Officer (FCA) for further processing, the User Agency has uploaded the Acknowledgment on FC web portal on 13-05-2020 for having delivered the hard copies of the proposal to Deputy Conservator of Forests, Chikkaballapur Division and Deputy Commissioner, Chikkaballapur District. Accordingly, an online communication was made by Nodal Officer (FCA) vide Ref (4) to the Deputy Conservator of Forests, Chikkaballapur Division for further processing of the proposal under FC Act.
 3. **Location details and Component wise break up:** Location details and Component wise breakup of the forest land proposed for diversion are given below.

District, Taluk, Hobli	Village	Sy No.	Project Component	Extent of forest land proposed for diversion (ha)	Legal status of land
Chikkaballapur District, Chikkaballapur Taluk, Mandikallu Hobli	Bandahalli	38	490 Dia MS Water Pipeline	0.141	Reserved Forest [Haristhala State Forest]*
	Aruru	262 #		0.009	
	Total			0.15	

* Notified vide No. G. 9947-Ft. 252-36-3 dated 12th June 1937 of Government of His Highness the Maharaja of Mysore.

#Sy No. on Geo-referenced Map in Item c(iv) may be read as 262(and not 282)


4. **DCF, Chikkaballapur Division Report:** The Deputy Conservator of Forests, Chikkaballapur Division has inspected the site on 14-05-2020 and again on 27-05-2020 and vide Ref (5) has submitted his Site Inspection Report along with recommendation in PART-II to Chief Conservator of Forests, Bengaluru Circle. Main features of the proposal based up on the DCF report r/w report of CCF, Bengaluru Circle and that of ICT Centre of Forest Department are summarized below.

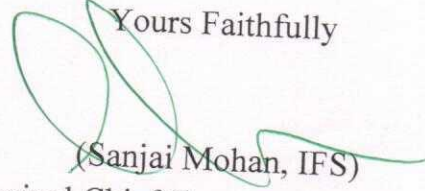
- The forest land proposed for re-diversion is a slightly elevated area and is moderately prone to soil erosion.
- The forest land proposed for re-diversion is in general landscape of Eco-class III (Tropical Dry Deciduous Forests) with Open Forest. [Note: The Canopy Density entered in Item 4(i) of PART-II of the proposal may be read accordingly.]
- As per Item 4(ii) of PART-II, there are no trees on the forest land proposed for re-diversion.
- Major Wild animals found in and around the project area include Leopard, Sloth Bear, Wild Pig, Hare, Peafowl, Owl, etc.
- There are no other rare / endangered / unique species of flora and fauna reported in the forest area proposed for re-diversion.
- The forest land proposed for re-diversion does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc.
- There are no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor within one kilometer from the boundary of the forest land proposed for re-diversion.
- The forest land proposed for re-diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.

9. **Consent of Primary User Agency for re-diversion of forest land:** In accordance with the provisions of Para 5.6 of the FC Guidelines, the instant User Agency [SECONDARY USER AGENCY] has obtained the consent of the National Highway Authority of India [PRIMARY USER AGENCY] vide letter No. NHAI/NH-7/PIUY-BNG/KNT-01/11032/206 dated 21-05-2020 and uploaded it in Additional Information Details in PART-I of the proposal.

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval for re-diversion of 0.15 hectare of forest land in Bandahalli Village Sy No. 38 (0.141 ha) and in Aruru Village Sy No. 262 in Haristhala State Forest, Mandikallu Hobli, Chikkaballapur Taluk & District for laying of 490 Dia MS Pipeline for lifting / pumping secondary treated sewage water from HN Valley impounded in Kandavara lake of Chikkaballapur District to Poornasagara kere and onwards to fill 28 tanks of Chikkaballapur, Sidlaghatta and Gudibande Taluks of Chikkaballapur District in favour of Executive Engineer, Minor Irrigation and Ground Water Resource Division, Chikkaballapur [SECONDARY USER AGENCY] from the already diverted forest land of National Highway Authority of India [PRIMARY USER AGENCY] for a period of 20 years subject to production of 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 and also subject to the conditions appended 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 of the proposal obtained from the web-portal is also appended for necessary action.


ರಮೇಶಲಕ್ಷ್ಮಿ
ದಿನಾಂಕ: 15-6-2020

Yours Faithfully

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

01/c
Copy to the:

1. Chief Conservator of Forests, Bengaluru Circle, Bengaluru for information.
2. Deputy Conservator of Forests, Chikkaballapur Division, Chikkaballapur for information.

- i. There are no Protected/ Archeological/ Heritage Sites/ Defence establishments located in the proposed area.
 - j. The forest area proposed for re-diversion is the bare minimum and unavoidable.
 - k. There is no violation reported under Forest (Conservation) Act, 1980.
5. **CCF, Bengaluru Circle Report:** The Chief Conservator of Forests, Bengaluru Circle has not inspected the site personally. However, agreeing with the recommendations of the Deputy Conservator of Forests, Chikkaballapur Division he has submitted the report in PART-III online vide Ref (6) and recommended the proposal.
6. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land proposed for re-diversion as per Para 3.1 to 3.4 of the latest 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 dated 02-05-2020 to pay the charges towards Net Present Value (NPV) of the forest land proposed for re-diversion.**
7. **Compensatory Afforestation (CA):** The forest area proposed for re-diversion is less than one hectare and is governed by Para 3.2 (viii)(b) of the Government of India FC Guidelines (*old version, as the new version is silent in this regard*), which provides exemption from raising Compensatory Afforestation (CA). However, the Para 2.6(i) of the latest FC Guidelines mandates planting of ten times the number of trees likely to be felled (subject to a minimum of 100 plants). Even though there are no trees on forest land reported in Item 4(ii) of PART-II of the proposal, **the User Agency will have to make payment in accordance with the O.M. issued vide E-office File No. KFD/HOFF/A53(GFL)/34/2019-FC [E-88289] dated 30-04-2020 of the Principal Chief Conservator of Forests (Head of Forest Force) for any tree felling required in forest land for the purpose of execution of the project. The User Agency has submitted an Undertaking dated 02-05-2020 to pay the Compensatory Afforestation/ Plantation charges.**
8. **Status of RoFR compliance:** With regard to compliance of the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 and Rules 2008, the User Agency has not obtained/ furnished the requisite **RoFR 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 once again to obtain the said certificate in prescribed format and submit a copy.**

3. Executive Engineer, Minor Irrigation and Ground Water Resource Division,
Near APMC Market, Chikkaballapur - 562 101 for information and **with a**
request to obtain and submit the RoFR 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 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), 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. 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.
7. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
8. 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.
9. 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.
10. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
11. No change in Land Use Plan shall be done unless prior approval of Government of India under FC Act is obtained.
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 and/or 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.

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

12/6/20

PART - IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks. <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>	Recommended for re-diversion of 0.15 hectare of forest land in Bandahalli Village Sy No. 38 (0.141 ha) and in Aruru Village Sy No. 262 in Haristhala State Forest, Mandikallu Hobli, Chikkaballapur Taluk & District for laying of 490 Dia MS Pipeline for lifting / pumping secondary treated sewage water from HN Valley impounded in Kandavara lake of Chikkaballapur District to Poornasagara kere and onwards to fill 28 tanks of Chikkaballapur, Sidlaghatta and Gudibande Taluks of Chikkaballapur District in favour of Executive Engineer, Minor Irrigation and Ground Water Resource Division, Chikkaballapur [SECONDARY USER AGENCY] from the already diverted forest land of National Highway Authority of India [PRIMARY USER AGENCY] for a period of 20 years subject to production of 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 and also subject to the conditions appended in Annexure 'A'. [Proposal No. FP/KA/IRRIG/45295/2020]
--	---

Signature:

Name:

(RAJIV RANJAN IFS)

Designation:

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

(Official Seal)

Countersigned by :

Name:

(SANJAI MOHAN IFS)

Designation:

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

(Official Seal)

N.D.O. No: 50/2019-20

Date: 15-06-2020