

ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ  
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡ ರಸ್ತೆ,  
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003.

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

Aranya Bhavan, 18<sup>th</sup> Cross  
Malleshwaram, Bengaluru-560 003  
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Old File No: A5(4).GFL.CR.9/2018-19

E-65405

E-office File No. KFD/HoFF/A5-4(GFL)/43/2018-FC

Date: 12-11-2019

Encl. 3 sets proposals enclosed

18

To,

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

Sir,

**Sub:** Diversion of 0.54 hectare of forest land in Alagilavada Village Sy No 263, Kadathi Village Sy. No. 381 and Teligi Village Sy No. 202 of Harapanahalli Taluk, Davangere District for laying of Irrigation Pipeline to fill 60 tanks with water drawn from Tungabhadra River in favour of the Executive Engineer, Karnataka Neeravari Nigam Limited (KNNL), Bhadra Canal Division, Davangere. **Proposal No. FP/KA/IRRIG/35763/2018**

- Ref:**
- 1) Online Proposal [FORM-A PART-I] dated 02-04-2019 (re-submitted) of the Executive Engineer, Karnataka Neeravari Nigam Limited, Bhadra Canal Division, Davangere r/w uploading of 'Acknowledgement' on 13-05-2019 for having delivered hard copy of the proposal to jurisdictional DCF & DC.
  - 2) This office online communication dated 30-05-2019 to Deputy Conservators of Forests, Davanagere Division for further processing of proposal under FC Act.
  - 3) Online submission of PART-II by Deputy Conservator of Forests, Davanagere Division on 19-09-2019 to Circle Office [Letter No. A2.Land/Pipeline/CR-4/2019-20/896 dated 13-09-2019].
  - 4) Online submission of PART-III by Chief Conservator of Forests, Ballari Circle on 04-10-2019 to Nodal Officer [Letter No.M1/MNG/Pipeline/CR-4/2019-20/1424 dated 03-10-2019].

1. The Executive Engineer, Karnataka Neeravari Nigam Limited (KNNL), Bhadra Canal Division, Davangere [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 0.54



hectare of forest land in Alagilavada Village Sy No 263, Kadathi Village Sy No. 381 and Teligi Village Sy No. 202 of Harapanahalli Taluk, Davangere District for laying of Irrigation Pipeline to fill 60 tanks with water drawn from Tungabhadra River. After acceptance of the proposal by Nodal Officer on 03-05-2019, the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Davangere Division & Deputy Commissioner, Davangere District and has uploaded the 'Acknowledgment' on the FC web portal on 13-05-2019. Accordingly, an online communication was made by Nodal Officer vide Ref (2) to the Deputy Conservator of Forests, Davanagere Division, Davangere for further processing of the proposal under FC Act.

2. **Location details and Component wise breakup:** The location details and breakup of the forest land required for the project are given below.

District, Taluk, Hobli	Village	Sy No.	Project components			Extent (in Ha)	Legal Status of Land
			Compo nent	Length (m)	Width (m)		
Davanegere District, Harapanahalli Taluk, Telagi Hobli	Kadathi	381	Irrigation Water Pipeline	255.39	6.6	0.1686	Reserved Forest
	Alagilawada	263		235.318	6.6	0.1553	
	Telagi	202		319.79	6.6	0.2111	
<b>Total</b>				<b>810.5</b>		<b>0.5349</b> [or 0.54 ha]	

3. **DCF, Davanagere Division Report:** The Deputy Conservator of Forests, Davanagere Division, Davanagere has inspected the site on 07-09-2019 and vide Ref (3) has submitted his *Site Inspection Report* along with recommendation in PART-II to the Chief Conservator of Forests, Ballari Circle. The main features of the proposal based upon the DCF report r/w report of CCF, Ballari Circle & that of ICT Centre of Forest Department are summarized below.

- The forest land proposed for diversion is in Eco-Class-III (Tropical Dry Deciduous Forests) with a canopy density of about 0.10 (Open Forest).
- As per Item 4(ii) of PART-II, there are 35 trees in various girth classes in the forest land proposed for diversion. Main species include *Eucalyptus* sps, *Azadirachta indica*, *Prosopis spicigera*, etc.
- The forest land proposed for diversion is prone to soil erosion and hence the User Agency is required to take up soil and moisture conservation works.
- There are no rare / endangered / unique species of flora and fauna reported in the forest land proposed for diversion.
- The forest area proposed for diversion does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc.



- f. The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
  - g. There are no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ wildlife migration corridor, etc., located within one kilometre distance from the boundary of the forest land proposed for diversion.
  - h. There are no Protected Archaeological/ Heritage sites or Defence establishments or important monuments in the area.
  - i. There is no violation reported under Forest (Conservation) Act, 1980.
  - j. The requirement of forest land for the project is bare minimum and unavoidable.
4. **CCF, Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has not inspected the site. However, he has agreed with the recommendations of the Deputy Conservator of Forests, Davanagere Division, and has also recommended the proposal. Specific comments of the Chief Conservator of Forests, Ballari Circle are mentioned in PART-III of the proposal cited at Ref (4) above.
  5. **Compensatory Afforestation (CA):** The forest area proposed for 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 mandates planting of ten times the number of trees likely to be felled. The User Agency will have to make payment in accordance with the letter Old File No. A5(3).GFL.CR.28/2009-10 and E-office File No. KFD/HOFF/A5-3(GFL)/34/2019-FC [E-88289] dated 26-06-2019 of the Principal Chief Conservator of Forests (Head of Forest Force) for any tree felling required for the purpose of execution of the project. Further in this regard, the information uploaded by the DCF in part-II regarding CA land and CA scheme proposed over double the extent in degraded forests needs to be ignored in view of the non-applicability of CA.
  6. **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' to pay the charges towards Net Present Value (NPV) of the forest land proposed for diversion.**
  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-II (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.**

**In light of the facts stated above, and agreeing with the recommendation made by the field officers, it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 0.54 hectare of forest land in Alagilavada Village Sy No 263, Kadathi Village Sy No. 381 and Teligi Village Sy No. 202 of Harapanahalli Taluk, Davangere District for laying Irrigation Pipeline to fill 60 tanks with water drawn from Tungabhadra River in favour of the Executive Engineer, Karnataka Neeravari Nigam Limited (KNNL), Bhadra Canal Division, Davangere for a period of 20 years subject to submission of RoFR Compliance Certificate and 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.

Yours Faithfully



(Punati Sridhar IFS)

Principal Chief Conservator of Forests  
(Head of Forest Force)

**Copy to the:**

1. Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. Deputy Conservator of Forests, Davanagere Division for information.
3. The Executive Engineer, Karnataka Neeravari Nigam Limited, No 5, Bhadra Canal Office, Hadadi Road Davangere-577005 for information and with a request to obtain and submit the RoFR Compliance Certificate (in original) as mentioned above 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 forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), Compensatory Plantation, cost of extraction of trees, 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 clearance. In case renewal is not sought six months in advance, the forest land would stand reverted to the Forest Department on expiry of the clearance.
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 on forest land 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 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.



(Punati Sridhar 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)*

Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.  (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).	Recommended for diversion of 0.54 hectare of forest land in Alagilavada Village Sy No 263, Kadathi Village Sy No. 381 and Teligi Village Sy No. 202 of Harapanahalli Taluk, Davanagere District for laying of Irrigation Pipeline to fill 60 tanks with water drawn from Tungabhadra River in favour of the Executive Engineer, Karnataka Neeravari Nigam Limited (KNNL), Bhadra Canal Division, Davanagere <b>for a period of 20 years subject to submission of RoFR Compliance Certificate and the conditions appended in Annexure 'A'.</b> <b>[Proposal No. FP/KA/IRRIG/35763/2018]</b>
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Signature:

Name:

Designation:

  
**(JAGMOHAN SHARMA IFS)**

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

(Official Seal)

o/c

Countersigned by:

Name:

Designation:

  
**(PUNATI SRIDHAR IFS)**

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

(Official Seal)

N.D.O. No: 15/2019-20

Date: 18 -11-2019

