

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

## GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ  
(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿOffice of  
Principal Chief Conservator of  
Forests  
(Head of Forest Force)ಅರಣ್ಯ ಭವನ, 18 ನೇ ಅಡ್ಡರಸ್ತೆ,  
ಮಲ್ಲೇಶ್ವರಂ ಬೆಂಗಳೂರು-560 003Aranya Bhavan, 18<sup>th</sup> Cross  
Malleshwaram, Bengaluru-560 003  
Telephone: 080 2334 6472  
Email: apceffc@gmail.com

E-office File No. KFD/HOFF/A5-3(GFL)/4/2020-FC

E-207246

Encl.: 3 sets of proposal

Date 05-04-2021

To,

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

Sir,

**Sub:** Diversion of 0.391 hectare of forest land in Sy.No. 121 of Mallanayakanahalli Village, Mandya District for Providing Drinking Water Supply to Navile, Thoreshattihalli and other 53 villages of Maddur Taluk, Mandya District in favour of Executive Engineer, Rural Drinking Water Supply and Sanitation Division, Maddur – 571 401, Mandya District.

**Proposal No. FP/KA/WATER/43710/2019**

- Ref:**
1. Online Proposal [FORM-A PART-I] dated 13-01-2020 (submitted) of the Executive Engineer, Rural Drinking Water and Sanitation Division, Mandya r/w uploading of Acknowledgement on 24-03-2020 for having delivered the hard copies of the proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner
  2. This office online communication dated 13-04-2020 to Deputy Conservator of Forests, Mandya Division for further processing of the proposal
  3. Online submission of PART-II on 08-10-2020 by Deputy Conservator of Forests, Mandya Division [Letter No. C1/Bhoomi/D.W.P/53/CR-01/2020-21 dated 15-02-2021]
  4. Online submission of PART-III on 10-03-2021 by Chief Conservator of Forests, Mysuru Circle [Letter No. C1/Bhoomi/S.P/CR-06/2020-21/1773 dated 06-03-2021]

1. The Executive Engineer, Rural Drinking Water and Sanitation Division, Mandya [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 0.391 hectare of forest land in



Mallanayakanahalli Village Sy No.121(old Sy. No. 99), Athagur Hobli, Maddur Taluk, Mandya District (Mandya Forest Division) for construction of Master balancing Tank (GLSR) of 9.00 lakh liters capacity and approach road for laying of raising main and delivery lines to providing drinking water supply to Navile, Thoreshetthalli and 53 other villages of Maddur Taluk. After acceptance of the proposal by Nodal Officer (FCA) for further processing, the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Mandya Division and Deputy Commissioner, Mandya District and has uploaded the Acknowledgment on the web portal on 24-03-2020. Accordingly, an online communication was made by Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Mandya Division for further processing of the proposal under FC Act.

## 2. Location details and Component-wise breakup of forest land requirement:

The details of the location of forest land and component wise requirement are given below.

District, Taluk, Hobli	Village	Sy No.	Project component [Length x Width]		Forest extent proposed for diversion (ha)	Legal Status of Land
Mandya District, Maddur Taluk, Athagur Hobli	Mallanayakana halli	121 (old Sy. No. 99)	1	Approach Road [301.31 m x 7.60 m]	0.229	Deemed Forest*
			2	Main Balancing Reservoir (MBR) [30 m x 30 m]	0.09	
			3	Rising Main cum Delivery Pipeline [301.31 m x 1.20 m x 2 sides]	0.072	
Total					0.391 ha	

[Note: The User Agency has proposed lying of the Water Rising Main and the Delivery Pipeline along the Approach Road.]

**3. DCF, Mandya Division Report:** The Deputy Conservator of Forests, Mandya Division has inspected the proposed area on 29-09-2020 and vide Ref (3) has submitted his Site Inspection Report along with recommendation in PART-II to Chief Conservator of Forests, Mysore Circle. Main features of the proposal based up on the Deputy Conservator of Forests, Mandya report r/w report of Chief Conservator of Forests, Mysuru Circle and that of ICT Centre of Forest Department are summarized below.

- a. The forest land proposed for diversion is not vulnerable to soil erosion, as it is plain land.



- b. The forest land proposed for diversion is in general landscape of Eco-class-III (Topical Dry Deciduous Forests) with Open Forest (Canopy Density up to 0.4).
  - c. As per Item 4(ii) of PART-II, there are 60 trees in different girth classes in the forest land proposed for diversion. Main species include *Eucalyptus*, *Acacia catechu*, *Acacia auriculiformis* and other jungle wood species. [Note: the number of trees mentioned in the Site Inspection Reports of the Deputy Conservator of Forests, Mandya Division and Chief Conservator of Forests, Mysuru Circle may be read accordingly.]
  - d. As per the Item 8(i) of Part-II, there are no major wild animals present in and around the forest land proposed for diversion.
  - e. There are no rare / endangered / unique species of flora and fauna reported in and around the forest land proposed for diversion.
  - f. 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.
  - g. 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 diversion.
  - h. The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
  - i. There are no Protected/ Archaeological/ Heritage Sites/ Defence establishments located in the proposed area.
  - j. The forest area proposed for diversion is the bare minimum and unavoidable.
  - k. There is no violation reported under Forest (Conservation) Act, 1980.
4. **CCF, Mysuru Circle Report:** The Chief Conservator of Forests, Mysuru Circle has inspected the project site on 19-12-2020 and vide Ref (4) has submitted the Site Inspection Report dated 06-03-2021 in PART-III online. Agreeing with the recommendation made by the Deputy Conservator of Forests, Mandya Division, the Chief Conservator of Forests, Mysuru Circle has also recommended the proposal.
5. **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 agreeing to pay the**



charges towards 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. As there are Sixty (60) trees on forest land reported in Item 4(ii) of PART-II of the proposal, 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 30-04-2020. **The User Agency has already uploaded/submitted an Undertaking agreeing to pay the Compensatory Afforestation 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 **RoFR Certificate in FORM-II (for Non-Linear projects)** issued by the jurisdictional Deputy Commissioners 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 certificates in prescribed format and submit the same.**

8. **Additional information:**

a. The Water Rising Main (with a width of 1.2 m) and Delivery Pipeline (with a width of 1.2m) will also be laid on either side of the Approach Road with a proposed width of 7.60 m Carriageway. Thus, the User Agency will have to restrict the entire road width (including Water Rising Main, Delivery Pipeline, Carriageway and also the Side drains) to 10 meter only, if the present proposal is considered for according FC approval.

b. **Proposal vis-a-vis General approval provision of the FC Guidelines: Para 4.3 Critical development initiatives for public** of the FC Guidelines provides the following:

*'General approval for diversion of forest area for the development of following critical public utility and welfare projects undertaken by the Government:*



.....  
d. Drinking water  
.....

Further, Para 4.3.1 of the FC Guidelines stipulate the following.

*'This approval, (addition to General conditions mentioned above in para-4.1) is subject to following conditions:*

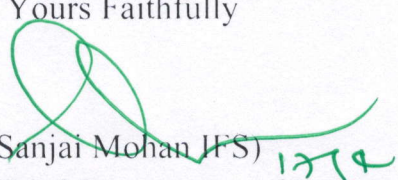
.....  
(b) *The area shall not involve felling of more than 50 trees per/ha. In case the area to be diverted is less than 1 ha, then permissible tree felling limit, within the area to be diverted, shall be worked out proportionately. In any case, if the number of trees to be felled is less than 10, irrespective of the area to be diverted, within the limit of 1 ha, general approval will be applicable.'*

The instant proposal is a Drinking Water Project involving forest diversion within one hectare. However, there are 60 trees required to be felled for the project. Therefore, it is opined that the instant proposal will be required to be referred to the Government of India for seeking FC approval.

In light of the facts stated above and agreeing with the recommendation made by the field officers, **it is requested to move the proposal to Government of India for according 'in-principle' (Stage-I) approval for diversion of 0.391 hectare of forest land in Sy.No. 121 of Mallanayakanahalli Village, Mandya District for Providing Drinking Water Supply to Navile, Thoreshattihalli and other 53 villages of Maddur Taluk, Mandya District in favour of Executive Engineer, Rural Drinking Water Supply and Sanitation Division, Maddur – 571 401, Mandya District for a period of 20 years (or the project life, whichever is shorter) 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 (Timeline) of the proposal obtained from the FC web portal is also appended for information.

Yours Faithfully

(Sanjai Mohan JFS) 

Principal Chief Conservator of Forests  
(Head of Forest Force)

**Copy to the:**

1. Chief Conservator of Forests, Mysuru Circle, Mysuru for information.
2. Deputy Conservator of Forests, Mandya Division, Mandya for information.



3. The Executive Engineer, Rural Drinking Water and Sanitation Division, Mandya-571 401 for information and **with a request to obtain the RoFR Certificate in FORM-II (for Non-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 (may be downloaded from FC web portal) and submit authenticated/ attested copies** before seeking the final approval under the Forest (Conservation) Act, 1980.

The instant proposal is a Drinking Water Project involving forest diversion within one hectare. However, there are 60 trees required to be felled for the project. Therefore, it is opined that the instant proposal will be required to be referred to the Government of India for seeking FC approval.

In light of the facts stated above and agreeing with the recommendation made by the field officers, it is requested to move the proposal to Government of India for according 'in-principle' (Stage-I) approval for diversion of 0.391 hectare of forest land in Sy.No. 121 of Mallanayakanahalli Village, Mandya District for Providing Drinking Water Supply to Naville, Thorshethalli and other 23 villages of Mandur Taluk, Mandya District in favour of Executive Engineer, Rural Drinking Water Supply and Sanitation Division, Mandur - 571 401, Mandya District for a period of 30 years for the project life, whichever is shorter, 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 (Timeline) of the proposal obtained from the FC web portal is also appended for information.

Yours Faithfully,



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

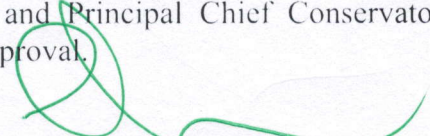
Copy to the:

1. Chief Conservator of Forests, Mysuru Circle, Mysuru for information.
2. Deputy Conservator of Forests, Mandya Division, Mandya for information.



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 and 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)



**PART – IV**

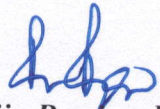
(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

<p>Detailed opinion &amp; 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><b>Recommended for moving the proposal to Government of India for according 'in-principle' (Stage-I) approval for diversion of 0.391 hectare of forest land in Sy.No. 121 of Mallanayakanahalli Village, Mandya District for Providing Drinking Water Supply to Navile, Thoreshattihalli and other 53 villages of Maddur Taluk, Mandya District in favour of Executive Engineer, Rural Drinking Water Supply and Sanitation Division, Maddur – 571 401, Mandya District. for a period of 20 years (or the project life, whichever is shorter) subject to the conditions appended in Annexure 'A'.</b></p> <p><b>[Proposal No. FP/KA/WATER/43710/2020]</b></p>
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Signature:

Name:

Designation:

  
(Rajiv Ranjan IFS)

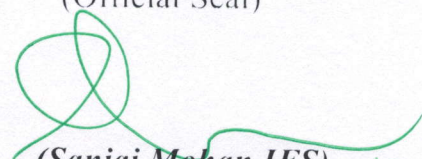
**Principal Chief Conservator of Forests  
(Forest Conservation) and Nodal Office (FCA)**

(Official Seal)

Countersigned by:

Name:

Designation:

  
(Sanjai Mohan IFS) 17/04/21

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

(Official Seal)

N.D.O. No: 04/2021-22

Date: 16-04-2021