

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯಪಡೆಮುಖ್ಯಸ್ಥರು) ರವರಕಠೇರಿ



ಅರಣ್ಯ ಭವನ, 18ನೇಅಡ್ಡರಸ್ತೆ

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)/16/2022-FC

E-752353

Date: 15-05-2023

17

To,

✓ The Additional Chief Secretary to Government
Forest, Ecology and Environment Department
M.S. Building, Dr. Ambedkar Veedhi, Bengaluru – 560 001.

Sub: Diversion of 0.02342 ha (revised from 0.0279 ha) of forest land in Sy No.5 of Basavanapura Village and Sy No.15 of Kalkere Village in Anekal Taluk, (Bannerghatta Division) [from existing Pipeline to Nimhans in Sakalavara Village], Bengaluru Urban District for laying of pipeline in favour of Assistant Executive Engineer, Bengaluru Water supply and Sewage Board, South Village-1, Sub Division, BWSSB, 21st Main, 11th Block, Anjanapura, Bengaluru -560 083.

Proposal No: FP/KA/WATER/153757/2022[FORM-A]

- Ref:**
1. Online proposal [FORM-A PART-I] dated 17-06-2022 (resubmitted) of The Assistant Executive Engineer, Bengaluru Water supply and Sewage Board, South Village-1, Sub Division, BWSSB, 21st Main, 11th Block, Anjanapura, Bengaluru -560 083.
 2. This office online communication dated 25-07-2022 to Deputy Conservator of Forests, Bengaluru Urban Division and Bannerghatta National Park Division for further processing of the proposal.
 3. Online submission of PART-II by Deputy Conservator of Forests, Bannerghatta National Park Division on 13-10-2022 [Letter No. A5.Ba.Ra.U/Drinking Water/CR-45/2022-23 dated 11-10-2022]
 4. Online submission of PART-II by Deputy Conservator of Forests, Bengaluru Urban Division on 07-03-2023 [Letter No. A7.Land.Lease.BWSSB.CR-29/2022-23 dated 07-03-2023.
 5. Online submission of PART-III by Chief Conservator of Forests, Bengaluru Circle on 16-03-2023 [Letter No. A11/Bhoomi/CR-47/2022-23 dated 15-03-2023.

1. The Assistant Executive Engineer, Bengaluru Water supply and Sewage Board, South Village-1, Sub Division, BWSSB, 21st Main, 11th Block, Anjanapura, Bengaluru - 560 083 as authorized Applicant[USER AGENCY] has (re)submitted an online proposal [FORM-A PART-I] vide Ref (1) on 17-06-2022 for approval under the Forest

(Conservation) Act, 1980 for diversion of 0.02342 ha (revised from 0.0279 ha) of forest land in Sy No.5 of Basavanapura Village and Sy No.15 of Kalkere Village in Anekal Taluk, (Bannerghatta Division) [from existing Pipeline to Nimhans in Sakalavara Village], Bengaluru Urban District for laying of pipeline. The same was accepted by the Nodal Officer (FCA) on 04-07-2022 for further processing. After receiving the Acknowledgement online on 19-07-2022 for having delivered the hard copies of the proposal by the User Agency to the jurisdictional Deputy Conservators of Forests & Deputy Commissioner, the online link was forwarded by this office vide Ref (2) dated: 25-07-2022 to the Deputy Conservator of Forests, Bannerghatta National Park and Bengaluru Urban Divisions for field verification and further processing under Section 2 of the Forest (Conservation) Act, 1980.

2. **Location details:** Location details of the forest land proposed for diversion are given below.

District, Taluk, Hobli	Village	Sy No.	Forest Land proposed for diversion (ha)	Status of Land
Bengaluru Urban District, Anekal Taluk, Jigani Hobli.	Basavanapura	5	0.00292	Reserve Forest
	Kalkere	15	0.0205	
Total			0.02342	

3. **DCF, Bannerghatta National Park Division Report:** The Deputy Conservator of Forests Bannerghatta National Park Division has inspected the spot on 28-09-2022 and has submitted the Site Inspection Report; the details of the area along with the recommendation in the form of PART-II of the proposal vide Ref (3) to the Chief Conservator of Forests, Bengaluru Circle. Main features of the proposal based on the DCF Bannerghatta National Park Report r/w the report of the CCF, Bengaluru Circle and that of the ICT Centre of Forest Department are as follows.

1. The forest land proposed for diversion is in general landscape of Eco-Class-IV with a canopy density 0.1.
2. The proposed area falls within the Reserve forest.
3. No trees to be felled on the forest land proposed for diversion.
4. Leopard, Bear, Peacock etc. are present in and around the project area
5. There are no other rare / endangered / unique species of flora and fauna reported around the forest area proposed for diversion.
6. As per the DCF, Bannerghatta National Park report, the forest land proposed for diversion falls within the Eco-Sensitive Zone (ESZ) of Protected Area notified under Wildlife (Protection) Act,1972
7. The Proposed forest land for diversion is a Reserve Forest and part of Bannerghatta National Park.
8. There are no Protected/ Archaeological/ Heritage Sites/defence establishment located in the proposed area.

9. The forest area proposed for diversion is the bare minimum and unavoidable.

10. There is no violation reported under the Forest (Conservation) Act, 1980.

4. **DCF, Bengaluru Urban Division Report:** The Deputy Conservator of Forests Bengaluru Urban Division has inspected the spot on 03-03-2023 and has submitted the Site Inspection Report; the details of the area along with the recommendation in the form of PART-II of the proposal vide Ref (4) to the Chief Conservator of Forests, Bengaluru Circle. Main features of the proposal based on the DCF Bengaluru Urban Report r/w the report of the CCF, Bengaluru Circle and that of the ICT Centre of Forest Department are as follows.

a. The proposed pipeline does not pass through any Reserve Forest/Minor Forest/Sec-4 Forest/Village Forest/Deemed Forest of Bengaluru Urban division. But, the proposed non-forest land alignment i.e., 0.0294 ha passes through the Sy.No. 36,37,38 of Kalkere Village and Sy.No.71,72,73,74,76,78,70,60,59,79,56,84 and 85 of Sakalavara Village of Anekal Taluk of Bengaluru Urban division.

5. **CCF, Bengaluru Circle Report:** The Chief Conservator of Forests, Bengaluru Circle has vide Ref (5) has submitted Site Inspection Report in PART-III online. Agreeing with the recommendation made by the Deputy Conservator of Forests, Bannerghatta National Park and Bengaluru Urban Divisions, the Chief Conservator of Forests, Bengaluru Circle has also recommended the proposal.

6. **Net Present Value (NPV):** The User Agency is required to pay the 10 times Net Present Value (NPV) for the 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. **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, 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 24-05-2022 of the Principal Chief Conservator of Forests (Head of Forest Force) for any tree felling required for the purpose of execution of the project. The User Agency has submitted an Undertaking dated 15-03-2022 to pay the Compensatory Plantation charges.**

8. **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-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,

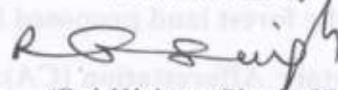
Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. **The User Agency is being informed again to obtain the said certificate in prescribed format and submit a copy. The User Agency has submitted an Undertaking dated 15-03-2022 to submit the FRA certificate.**

9. **Wildlife Clearance:** As the proposal involves diversion of forest land inside Bannerghatta National Park, the User Agency will have to obtain the applicable Wildlife Clearance for the proposal from National / State Board for Wildlife. The User Agency has submitted the Wildlife proposal No. FP/KA/DRKWATER/426813/2023 through PARIVESH web-portal on 20-04-2023 for further processing for Wildlife Clearance. The User Agency is being informed once again to obtain such wildlife clearance for the project at the earliest.

Under the above circumstances and agreeing with the recommendation of the field officers, **it is requested to consider according 'in-principle' (Stage-I) approval under Forest (Conservation) Act, 1980 for diversion of 00.02342 ha (revised from 0.0279 ha) of forest land in Sy No.5 of Basavanapura Village and Sy No.15 of Kalkere Village in Anekal Taluk, (Bannerghatta Division) [from existing Pipeline to Nimhans in Sakalavara Village], Bengaluru Urban District for laying of pipeline in favour of Assistant Executive Engineer, Bengaluru Water supply and Sewage Board, South Village-1, Sub Division, BWSSB, 21st Main, 11th Block, Anjanapura, Bengaluru-560 083 for a period of Thirty (30) years and subject to the production of RoFR certificate in FORM-I 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 conditions appended in Annexure 'A'.**

The hard copy of the proposal along with the relevant documents in 4 sets is submitted herewith for further needful action.

Yours Faithfully



(Raj Kishore Singh, IFS)

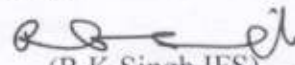
Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Chief Conservator of Forests, Bengaluru Circle, Bengaluru for information.
2. Deputy Conservator of Forests, Bengaluru Urban Division, for information.
3. Assistant Executive Engineer, Bengaluru Water supply and Sewage Board, South Village-1, Sub Division, BWSSB, 21st Main, 11th Block, Anjanapura, Bengaluru-560 083 for information and further action to obtain and **produce the RoFR Certificate in FORM-I (for Linear projects) 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.**

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.


(R.K. Singh IFS)

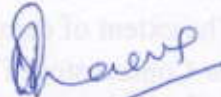
Principal Chief Conservator of Forests
(Head of Forest Force)

PART - IV

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

<p>Detailed opinion & 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 0.02342 ha (revised from 0.0279 ha) of forest land in Sy No.5 of Basavanapura Village and Sy No.15 of Kalkere Village in Anekal Taluk, (Bannerghatta Division)[from existing Pipeline to Nimhans in Sakalavara Village], Bengaluru Urban District for laying of pipeline in favour of Assistant Executive Engineer, Bengaluru Water supply and Sewage Board, South Village-1, Sub Division, BWSSB, 21st Main, 11th Block, Anjanapura, Bengaluru-560 083 for a period of Thirty (30) years and subject to the production of RoFR certificate in FORM-I 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 conditions appended in Annexure 'A'. Proposal No. FP/KA/WATER/153757/2022.</p>
--	--

Signature:



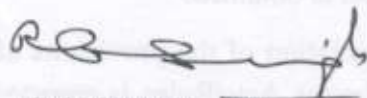
Name:

(VIJAY SHARMA, IFS)

Designation:

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

Signature:



Name:

(R.K.SINGH, IFS)

Designation:

Principal Chief Conservator of Forests
(Head of Forest Force)

N.D.O. No. 04/2023-24

Dated 17/05/2023



Principal Chief Conservator of Forests
(Head of Forest Force)