

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ
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E-137748

Date 20-06-2022

To,

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

Sir,

Sub: Diversion of 17.49 ha (*revised from 16.246 ha*) of forest land in Haladi-76, Avarshe, Shiruru, Billadi, Heggunde and other villages in Udupi and Brahmavara Taluks of Udupi District for construction of Irrigation Main and Branch Canals under Varahi Lift Irrigation Scheme in favour of the Executive Engineer, Karnataka Neeravari Nigam Limited, No.2, Varahi Reservoir Project Division, Udupi.

Proposal No.FP/KA/IRRIG/41736/2019 [FORM A]

- Ref:**
1. Online proposal [FORM-A PART-I] dated 06-08-2021 (re submitted) of the Executive Engineer, Karnataka Neeravari Nigam Limited, No.2, Varahi Reservoir Project Division, Udupi District r/w acknowledgement uploaded online on 11-08-2021 by user agency for having delivered the hard copy proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner.
 2. This office online communication dated 12-08-2021 to Deputy Conservator of Forests, Kundapura for further processing of proposal.
 3. Online submission of PART-II on 17-04-2022 by the Deputy Conservator of Forests, Kundapura Division [*letter No.DMN/CR-40/FLD/2020-21 dated 25-04-2022*]
 4. Online submission of PART-III on 20-05-2022 by the Chief Conservator of Forests, Kanara Circle [*letter No.A3/CR-27/Varahi Lift Irrigation Scheme/FC/2019-20 dated 20-05-2022*]

1. The Executive Engineer, Karnataka Neeravari Nigam Limited (KNNL), No-2, Varahi Reservoir Project Division, Siddapura, Kundapura, Udupi District [user agency] vide ref (1) has resubmitted an online proposal [FORM-A PART-I] under Section 2 of the Forest (Conservation) Act, 1980 through FC web portal seeking approval for diversion of 17.49 ha (*revised from 16.246 ha*) of forest land in Haladi-76, Avarshe, Shiruru, Billadi, Heggunde and other villages in Udupi and Brahmapura Taluks of Udupi District for construction of Irrigation Main and Branch Canals under Varahi Lift Irrigation Scheme. After uploading of acknowledgement on 11-08-2021 by the user agency for having delivered the hard copies of the proposal to jurisdictional DCF & DC, an online communication was made by the Nodal Officer (FCA) vide ref (2) to the Deputy Conservator of Forests, Kundapura to process the said proposal and to submit specific opinion / recommendation.
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.

Reserved Forest area details:

a. Shankaranarayana Range.

District, Taluk, Hobli, Village	Village	Sy No.	Forest extent proposed for diversion (ha)	Legal status of land
Udupi District, Bhramavara & Udupi Taluk, Kote Hobli	76th Haladi	181,139	0.994	Reserved Forest
	Avarshe	153/1, 98, 95, 125, 91/1A, 71	7.387	
	Shiruru	121	1.311	
Sub Total			9.692 ha`	

b. Udupi Range.

District, Taluk, Hobli, Village	Village	Sy No.	Forest extent proposed for diversion (ha)	Legal status of land
Udupi District, Bhramavara & Udupi Taluk, Kote Hobli	Heggunde	203, 280	1.108	Reserved Forest

Sub Total	1.108 ha	
Grand Total	10.8 ha	Reserved Forest

Deemed Forest area details:

c. Shankaranarayana Range

District, Taluk, Hobli, Village	Village	Sy No.	Forest extent proposed for diversion (ha)	Legal status of land
Udupi District, Bhramavara & Udupi Taluk, Kote Hobli	76th Haladi	193/2, 234/2, 233/2	0.489	Deemed Forest
	Avarshe	138, 89/1, 116/1, 116/2, 95, 119	1.696	
	Shiruru	120, 194	2.089	
	Billadi	111, 145, 126, 125	0.925	
	Shiriyar	275, 302	0.981	
Sub Total			6.18 ha	

d. Udupi Range.

District, Taluk, Hobli, Village	Village	Sy No.	Forest extent proposed for diversion (ha)	Legal status of land
Udupi District, Bhramavara & Udupi Taluk, Kote Hobli	Heggunje	280, 247, 249, 1 23	0.51	Deemed Forest
Sub Total			0.51	
Grand Total			6.69 ha	Deemed Forest

Final detailed area table are as follows.

Sl No	Range	Reserve Forest (ha)	Deemed Forest	Total
01	<u>Shankaranarayana</u>	9.692	6.180	15.872
02	Udupi	1.108	0.51	1.618

Total	10.8	6.69	17.49 ha
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Component wise breakup of the forest land proposed for diversion is given below.

Name of Project component		Forest extent proposed for diversion (ha)
1	Gravity main Canal	13.456
2	Branch 1	2.522
3	Branch 2	1.512
Total		17.49 ha

3. Report of DCF, Kundapura Division: The Deputy Conservator of Forests, Kundapura Division has inspected the site on 06-01-2022 and 06-04-2022 and vide Ref (4) has submitted his report along with the Site Inspection Report in PART-II to the Chief Conservator of Forests, Mangalore Circle and stated that the land required by the User Agency in Reserved Forest is 10.80 ha and in Deemed Forest 6.69 ha. Main features of the proposal based on the reports of the Deputy Conservator of Forests, Kundapura Division r/w report of Chief Conservator of Forests, Mangalore Circle and that of ICT Centre of Forest Department are summarized below.

- Since the forest land proposed for diversion area is prone to soil erosion and land slide. Hence, User Agency has to take precautionary measures.
- The forest land proposed for diversion is in general landscape of eco-class-I (Consisting of moist deciduous forest) with a canopy density of up to 0.75
- As per Item 4(ii) of PART-II, there are 5854 trees in different girth classes. Main tree species include *Acacia Auriculiformis*, *Ficus Bengalensis*, *Albizzia Amara*, *Albizzia Lebbeck*, *Anacardium Occidentale*, *Artocarpus Hirsuta*, *Caryota Urens*, *Cinnamomum Zeylanicum*, *Delonix Regia*, *Erythrina Indica*, *Garcinia Indica*, *Hopea parviflora*, *Mangifera Indica*, *Mimusops Elengi*, *Myristica magnifica*, *Pterocarpus Marsupium*, *Swietenia Mahagani*, *Syzigium Cumini*, *Terminalia Bellarica*, *Terminalia Paniculata*, *Terminalia Tomentosa*, *Vateria Indica*, *Wrightia Tinctoria*, *Xylia Xylocarpa*, *Adina cordifolia*, *Santalum Album*, *Saraca Asoca*, and others.
- Main wild animals reported in and around the project area include Leopard, Spotted Deer, Porcupine, Hare etc.
- 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, etc.
 - g. There are no protected/ archaeological/ heritage sites or defence establishments or important monuments in the area.
 - h. There is no violation reported under the Forest (Conservation) Act, 1980.
 - i. The requirement of forest land for the project is bare minimum and unavoidable.
4. **Report of CCF, Mangalore Circle:** The Chief Conservator of Forests, Mangalore Circle has inspected the site on 28-04-2022 and has agreed with the report of Deputy Conservator of Forests, Kundapura. The Chief Conservator of Forests, Mangalore Circle vide ref (4) has submitted his report in PART-III and stated that the land required by the User Agency in Reserved Forest is 10.80 ha and in Deemed Forest 6.69 ha and 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. 5-3/2011-FC (Vol-I) dated 06-01-2022 and 19-01-2022. **The user agency has submitted an undertaking agreeing to pay the Net Present Value (NPV) of the forest land proposed for diversion.**
6. **Compensatory Afforestation (CA):** The User Agency being a State Government Agency is required to provide an equivalent extent of non-forest land towards Compensatory Afforestation. Further, as per Para 2.4(i) of the latest FC Guidelines of Government of India communicated vide letter F.No. 5-2/2017-FC dated 28-03-2019, the revenue lands and all such categories of forest lands not under management and/or administrative control of the Forest Department, on which the provisions of FC Act 1980 are applicable, shall be considered for the purpose of Compensatory Afforestation. However, such lands are to be provided double in extent to the area proposed for diversion. Accordingly, **the User Agency has identified an extent of 28.97 hectare of Deemed Forest land in Sy No. 147/1 of Hosuru Village, Brahmavara Taluk and Udupi District and 6.07 hectare of Deemed Forest land in Sy No. 121/P1 of Shiriuru village, Brahmavara Taluk and Udupi District for CA purpose. The Deputy Commissioner, Udupi District vide Order No. ADSL.N.D/PDR/CR.26/2021/E-63449 dated 26-05-2021 for (28.97 hectare) and ADSL.N.D/PDR/CR.80/2020/E-55093 dated 21-10-2020 for (6.07 hectare) respectively (Total 35.04 ha) has allotted the said land to Forest Department.** However, the above proposed land has been observed by Field Officers and

stated that the proposed lands are thickly wooded and are not suitable for afforestation purpose. Hence, as per Karnataka Forest Act 1963 Section 4, these lands may be notified by taking in to the custody of Forest Department and protecting the land by providing fencing all-around the boundary.

In alternative to the 17.49 ha of forest land to be diverted for this project, Deputy Conservator of Forests Kundapura Division has requested to Deputy Conservator of Forests, Chikkaballapura Division to identify twice the extent i.e 35.00 ha of degraded forest land. Accordingly, Deputy Conservator of Forests, Chikkaballapura Division has identified twice the extent i.e. 35. Ha of degraded forest land and issued the CA Land Suitability Certificate in Item 13 of PART-II of the proposal. The hard copies of CA related information (Topo Map, Geo-referenced Map, CA Land Suitability Certificate) are enclosed herewith. The degraded forest land details are as fallows.

Sl No	District	Hobli	Village	Sy No	Extent (ha)	Name of the Forest	Remarks
01	Chikkaballapura	Mandikal	Yarremaranahalli	41	2.43	NDB 4 th Block	Degraded Forest
02	Chikkaballapura	Mandikal	Thekalahalli	22	32.58	NDB 4 th Block	
Total					35.01		

Further, the User Agency has also 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 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.

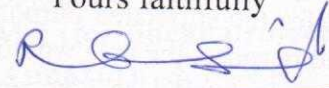
8. **Additional information:** As per report of Chief Conservator of Forests Mangaluru Circle an extent of 1.108 ha of land that the part of the standing crop is in equity and Lease area in Heggunde Village of Udupi range comes under Karnataka Cashew Development Corporation (KCDC). The User Agency has given undertaking to pay the compensation amount of Rs. 40,08,266,68/- (copy enclosed). Further, Karnataka Cashew Development Corporation (KCDC) has issued No objection Certificate for release of above land under Forest (Conservation) Act in favour of Varahi Lift

irrigation Scheme subject to clearance of valuation amount of Rs. 40,08,266,68/-. Hence, has to pay Compensation to Karnataka Cashew Development Corporation Ltd. (KCDC).

In light of the facts stated above, it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 17.49 ha (*revised from 16.246 ha*) of forest land in Haladi-76, Avarshe, Shiruru, Billadi, Heggunde and other villages in Udupi and Brahmavara Taluks of Udupi District for construction of Irrigation Main and Branch Canals under Varahi Lift Irrigation Scheme in favour of the Executive Engineer, Karnataka Neeravari Nigam Limited, No.2, Varahi Reservoir Project Division, Udupi for a period of 20 years subject to submission of RoFR Compliance Certificate in FORM-I (for linear projects) and the conditions listed 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 FC web portal is also appended for information.

Yours faithfully



(Raj Kishore Singh IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)


20/6/22

Copy to the:

1. Chief Conservator of Forests, Mangalore Circle, Mangalore for information.
2. Deputy Conservator of Forests, Kundapura Division, Kundapura for information.
3. The Executive Engineer, Karnataka Neeravari Nigam Limited (KNNL), No-2, Varahi Reservoir Project Division, Siddapura, Kundapura, Udupi District for information with a request to obtain 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 (available on FC web portal) and submit the authenticated / attested copies at the earliest.

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 and hypothecate the forest area.
5. The Lessee shall provide signages in appropriate dimensions and kind near the proposed Gravity main Canal within forest limits for sensitization of general public towards the forest, wildlife and environmental issues in consultation with the jurisdictional Deputy Conservator of Forests.
6. 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.
7. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
8. 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.
9. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
10. 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.
11. 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.
12. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
13. 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.
14. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
15. 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.


(Raj Kishore 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><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></p>	<p>Recommended for moving the proposal to Government of India for according 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 17.49 ha of forest land in Haladi-76, Avarshe, Shiruru, Billadi, Heggunde and other villages in Udupi and Brahmavara Taluks of Udupi District for construction of Irrigation Main and Branch Canals under Varahi Lift Irrigation Scheme in favour of the Executive Engineer, Karnataka Neeravari Nigam Limited, No.2, Varahi Reservoir Project Division, Udupi for a period of twenty (20) years subject to submission of RoFR Compliance Certificate in FORM-I (for linear projects) and the conditions listed in Annexure 'A'.</p> <p>[Proposal No. FP/KA/IRRIG/41736/2019]</p>
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Signature:

Name:

Designation:

VIJAY SHARMA IFS

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

(Official Seal):

Counter signed by :

Name:

Designation:

RAJ KISHORE SINGH IFS

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

(Official Seal):

N.D.O. No: 19 /2022-23

Date: 21 -06-2022