

C no 14122

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

Office of

Principal Chief Conservator of Forests  
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡ ರಸ್ತೆ

ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003.

Aranya Bhavan, 18<sup>th</sup> Cross,

Malleshwaram, Bengaluru-560 003

Telephone : 080 2334 6472

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No. A5(2).GFL.CR-6/2015-16

Proposal No. FP/KA/WATER/13361/2015

Date: 21-12-2018

22

To,

The Additional Chief Secretary to Government  
Forest, Environment and Ecology Department

M.S. Building

Bengaluru - 560 001.

Sir,

Sub: Diversion of 0.0824 hectare of forest land in Sy No.121 of Subramanya village, Subramanya Reserve Forest, Panja Hobli, Sulya Taluk, Dakshina Kannada District for laying of pipeline to provide the drinking water to Kukke Subramanya Temple in favour of Sri Sri Vidya Prasanna Theertha Swamiji, Jagdguru Sri Madhvacharya Maha Samsthana, Sri Samputa Narasimha Swamy, Sri Subramanya Matha, Subramanya-reg.

- Ref: 1. Online proposal dated 20-06-2015 of Sri Sri Vidya Prasanna Theertha Swamiji, Jagdguru Sri Madhvacharya Maha Samsthana, Sri Samputa Narasimha Swamy, Sri Subramanya Matha, Subramanya.
2. This office online communication dated 02-11-2015 to Deputy Conservator of Forests, Mangaluru Division.
3. Online submission of PART-II on 20-10-2018 by the Deputy Conservator of Forests, Mangaluru Division, Mangaluru r/w online reply dated 31-08-2018 of User Agency to EDS query of DCF [Letter No. Land section/CR-103/FC/drinking water pipeline/2015-16 dated 20-10-2018].
4. Online submission of PART-III by the Chief Conservator of Forests, Mangaluru Circle, Mangaluru to Nodal Officer on 23-10-2018 [Letter No. A3/CR-21/Subramanya tracking water/2018-19 dated 23-10-2018].



1. Sri Sri Vidya Prasanna Theertha Swamiji, Jagdguru Sri Madhvacharya Maha Samsthana, Sri Samputa Narasimha Swamy, Sri Subramanya Matha, Subramanya [User Agency] vide reference (1) has submitted an online proposal through FC web portal for Diversion of 0.0824 hectare of forest land in Sy No.121 of Subramanya village, Subramanya Reserve Forest, Panja Hobli, Sulya Taluk, Dakshina Kannada District for laying of pipeline to provide the drinking water to Kukke Subramanya Temple seeking approval under Section 2 of the Forest (Conservation) Act, 1980. Accordingly, an online communication was made by the Nodal Officer vide reference (2) to the Deputy Conservator of Forests, Mangaluru Division, Mangaluru to process the said proposal and to submit the specific opinion / recommendation.

2. **Location and component-wise breakup of forest land:** The location and component-wise breakup of forest land required for the project are as under.

District, Taluk, Hobli	Village & Sy No.	Project component	Extent of forest land proposed for diversion (ha)	Legal status of land
Dakshina Kannada District, Sulya Taluk, Panja Hobli	Subramanya Sy No. 121	Water pipeline [412 m x 2 m]	0.0824	Reserved Forest
<b>Total</b>			<b>0.0824</b>	

*[Note: The User Agency vide letter dated 19-12-2018 has clarified that they intend to lay 5" (five inches) pipeline instead of proposed 2" (two inches) pipeline. It is further stated by User Agency that they do not intend to use any electrical pump set to draw the naturally flowing water from the forest area.]*

3. **Report of DCF, Mangaluru Division:** The Deputy Conservator of Forests, Mangaluru Division has inspected the site on 16-10-2018 and vide reference (3) has submitted his report along with Site Inspection Report in PART-II to Chief Conservator of Forests, Mangaluru Circle. Main features of the proposal based on the reports of the DCF, CCF and ICT centre are given below.

- The forest area proposed for diversion is in Eco-class-I (Tropical Evergreen Very Dense Forest) landscape and with 0.1 canopy density. *[Note: The Density entry made in Item 4(i) of PART-II may be ignored.]*
- As per Item 4(ii) of PART-II, there are no trees in 31-60 cm and above girth classes.



- c. The forest area proposed for diversion is not vulnerable to erosion.
  - d. There are no rare/ endangered/ unique species of flora and fauna in the forest area proposed for diversion.
  - e. There are no protected/ archeological/ heritage sites/ defence/ establishments located in the area.
  - f. The forest area proposed for diversion does not form part of any declared National Park, Wildlife Sanctuary, Biosphere Reserve, and Tiger reserve or Elephant corridor.
  - g. The forest area proposed for diversion is the bare minimum and unavoidable for the project.
  - h. There is no violation reported under Forest Conservation Act, 1980.
4. **CCF, Mangluru Circle Report:** The Chief Conservator of Forests, Manglauru Circle has not inspected the site, but agreeing with the recommendations of the Deputy Conservator of Forests, Manglauru Division, he has recommended the proposal while submitting the report in PART-III vide reference (4).
5. **Compensatory Afforestation (CA):** The forest area proposed for diversion is within one hectare and is governed by Para 3.2(viii)(b) of Government of India FC Guidelines, which provides exemption from raising Compensatory Afforestation (CA), however mandates planting of ten times the number of trees likely to be felled. **Even though there are no trees likely to be felled for the project, the User Agency has submitted an Undertaking to pay Compensatory Afforestation charges.**
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 conditions stipulated by Government of India, Ministry of Environment, Forest and Climate Change, New Delhi vide F. No. 5-3/2007-FC dated 05-02-2009 and Orders dated 28-03-2008 and 09-05-2008 of the Hon'ble Supreme Court of India in I.A. No. 826 in I.A. 566 in WP(C) No. 202/1995. Accordingly, the **User Agency has agreed to pay the charges towards Net Present Value (NPV) and has submitted an Undertaking.**
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 copy of requisite Certificate in FORM-I (for Linear projects) issued by the Deputy Commissioner, Dakshina Kannada District as per guidelines issued by Ministry of Environment and Forest, New Delhi vide letter No. 11-9/1198-



FC(Pt) dated 03-08-2009/05-07-2013. The User Agency is being informed to obtain and submit the said certificate in original.

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to move the proposal with the Government of India, Ministry of Environment, Forests and Climate Change, for according 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980, for diversion of 0.0824 hectare of forest land in Sy No.121 of Subramanya village, Subramanya Reserve Forest, Panja Hobli, Sulya Taluk, Dakshina Kannada District for laying of pipeline to provide the drinking water to Kukke Subramanya Temple in favour of Sri Sri Vidya Prasanna Theertha Swamiji, Jagdguru Sri Madhvacharya Maha Samsthana, Sri Samputa Narasimha Swamy, Sri Subramanya Matha, Subramanya for a period of twenty five (25) years, subject to submission of original Certificate of RoFR compliance and conditions listed in Annexure 'A'.

The proforma particulars along with the relevant documents in 3 sets are submitted herewith for kind perusal and further action.

Yours faithfully,



Principal Chief Conservator of Forests  
(Head of Forest Force)

Copy to the Chief Conservator of Forests, Mangaluru Circle, Mangaluru for information.

Copy to the Deputy Commissioner, Mangaluru District for information and necessary action with respect to issuing the requisite RoFR compliance certificate as mentioned above.


Copy to the Deputy Conservator of Forests, Mangaluru Division, Mangaluru for information and necessary action.

Copy to Sri Sri Vidya Prasanna Theertha Swamiji, Jagdguru Sri Madhvacharya Maha Samsthana, Sri Samputa Narasimha Swamy, Sri Subramanya Matha, Subramanya for information and with a request to obtain and provide the original Certificate of RoFR as mentioned above, 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 Afforestation (CA) charges, cost of extraction of trees (if any), 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 one year 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 leased land.
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 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.
10. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
11. 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.
12. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
13. 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.

  
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).

Submitted for approval for **diversion of 0.0824 hectare of forest land in Sy No.121 of Subramanya village, Subramanya Reserve Forest, Panja Hobli, Sulya Taluk, Dakshina Kannada District for laying of pipeline to provide drinking water to Kukke Subramanya Temple in favour of Sri Sri Vidya Prasanna Theertha Swamiji, Jagdguru Sri Madhvacharya Maha Samsthana, Sri Samputa Narasimha Swamy, Sri Subramanya Matha, Subramanya under Section 2 of the Forest (Conservation) Act, 1980 for a period of twenty five (25) years, subject to submission of original Certificate of RoFR compliance and conditions listed in Annexure 'A'.**

Signature:

Name:

Designation:

**JAGMOHAN SHARMA IFS**  
**Additional Principal Chief Conservator of Forests**  
**(Forest Conservation) and**  
**Nodal Officer (FCA)**

(Official Seal):

Counter signed by :

Name:

Designation:

**PUNATI SRIDHAR IFS**  
**Principal Chief Conservator of Forests**  
**(Head of Forest Force)**

(Official Seal):

N.D.O. No: **31** /2018-19.

Date: **22**-12-2018.

D: A5(2)/Mangaluru / Subramanya Mata 0.0824 ha



**ರವಾನಮಾನ್ಯ**  
**22-12-2018**