

CNO 19473

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.

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No.A5(2).GFL.CR-01/2017-18

Proposal No. FP/KA/WATER/25530/2017

Date:18-12-2018

22

To,

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

Sir,

Sub: Diversion of 0.3542 hectare of forest land in Sy No. 5, 106 & 165 of Shantigodu Village, Kasaba Hobli, Puttur Taluk, Dakshina Kannada District for formation of Approach road, Power line, Intake to Jack well and Water Pipe line in favour of the Executive Engineer, Minor Irrigation Department, Minor Irrigation Division, Mangaluru -reg.

- Ref:**
- 1 Online proposal dated 17-02-2018 (re-submitted) of the Executive Engineer, MI Department, Minor Irrigation Division, Mangaluru.
 - 2 This office online communication dated 21-03-2018 to the Deputy Conservator of Forests, Mangaluru Division, Mangaluru.
 - 3 Online submission of PART-II by the Deputy Conservator of Forests, Mangaluru Division, Mangaluru to the Chief Conservator of Forests, Mangaluru Circle on 23-10-2018 r/w reply dated 16-10-2018 of User Agency to EDS query raised by DCF [Letter No. Land Section/CR- / FC/Narimogru road, pipe & power line/2016-17 dated 23-10-2018].
 - 4 Online submission of PART-III by the Chief Conservator of Forests, Mangaluru Circle, Mangaluru to Nodal Officer on 26-10-2018 [Letter No. A3/CR-35/approach road power line & pipeline jackwell pipe line (FC)/2017-18 dated 26-10-2018]

1. The Executive Engineer, Minor Irrigation Department, Minor Irrigation Division, Mangaluru [User Agency] vide reference (1) has submitted a proposal through web portal mode for diversion of 0.3542 hectare of forest land in Sy No. 5, 106 & 165 of Shantigodu Village, Kasaba Hobli, Puttur Taluk, Dakshina Kannada District for formation of Approach road, Power line, Intake to Jack well and Water Pipe line for obtaining approval under Section-2 of 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 for field verification

and further processing of the proposal and to submit specific opinion/recommendation.

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

District, Taluk & Hobli	Village & Sy No.	Component-wise breakup	Extent (ha)	Legal Status of land
Dakshina Kannada District, Puttur Taluk, Kasaba Hobli	Shanthigodu Sy No. 5, 106 & 165	11KV Power Line, Road & Pipeline [L 236 m x W 7 m]	0.1652	Sy No. 5 & 165 (Narimogaru Reserved Forest) Sy No. 106 (Deemed Forest)
		Road & UG Pipeline [L 327m x W 5m]	0.1635	
		Intake Pipeline to Jack well [L 98 m x W 2 m]	0.0196	
		Intake [3mx3m]	0.0009	
		Jack Well [5mx5m]	0.0025	
		Water Tank [5mx5m]	0.0025	
Total			0.3542	

[Note: Even though the DCF Mangaluru Division has stated in Site Inspection Report in PART-II that the forest area proposed for diversion is in Sy No. 5 of Narimogaru Reserved Forest and Sy. No. 106 & 107 of deemed forest in Shanthigodu village, the updated village map suggests the location to be in survey number(s) 5, 106 & 165 (river bed)]

3. **DCF, Mangaluru Division report:** The Deputy Conservator of Forests, Mangaluru Division has inspected the site on 21-05-2018 and vide reference (3) has submitted the Site Inspection Report and specific recommendation in the form of PART-II of the proposal to the Chief Conservator of Forests, Mangaluru Circle, Mangaluru. The main features of the proposal based on the reports of the DCF, Mangaluru Division, CCF Mangaluru Circle and ICT centre are given below.

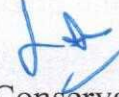
- The forest area is not vulnerable to soil erosion.
- The forest area proposed for diversion is under Eco-class-I (Moist Deciduous Dense Forest) with a copy density of 10%. [Note: The Density entry made in Item 4(i) may be ignored.]
- As per Item 4(ii) of PART-II, there are 33 trees of species like *Xylia xylocarpa*, *Terminalia tomentosa*, *Terminalia paniculata*, *Grewia tiliaefolia*, *Pongamia pinnata*, etc., in 31-60 cm and above girth classes.

- d. The proposed area does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, and Tiger reserve or Elephant corridor.
 - e. Wild animals found in the area include wild boar and wild ungulates.
 - f. There are no rare / endangered / unique species of flora and fauna in the area.
 - g. There are no protected/archeological/heritage sites/defence/other establishments located in the proposed area.
 - h. The forest extent proposed for diversion is the bare minimum and unavoidable.
 - i. There is no violation reported under the Forest (Conservation) Act, 1980.
4. **CCF, Mangaluru Circle report:** The Chief Conservator of Forests, Mangaluru Circle has not inspected the site but agreeing with the recommendations of the Deputy Conservator of Forests, Mangaluru Division, has recommended the proposal for acceptance. He has submitted his report (PART-III) and uploaded it online vide reference (4).
5. **Compensatory Afforestation:** 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. As there are 33 trees on forest land proposed for diversion, **the User Agency is required to pay the Compensatory Planting charges in accordance with this office letter No.A5(3).GFL.CR-28/2009-10 dated 24-05-2018. The User Agency has agreed to pay the Compensatory Planting charges and has submitted an Undertaking in this regard.**
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 the conditions stipulated by Government of India, Ministry of Environment, Forest and Climate Change, New Delhi vide F.No. 11-9/98-FC dated 13-02-2014 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. **The User Agency has agreed to pay the charges towards Net Present Value (NPV) and has submitted an Undertaking in this regard.**
7. **RoFR compliance status:** 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 issued by the Deputy Commissioner, Dakshina Kannada District as per the guidelines issued by the Government of India, Ministry of Environment, Forest and Climate Change, New Delhi vide F. No. 11-9/1198-FC(Pt) dated 03-08-2009/05-07-2013. **The User Agency is being requested to 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 0.3542 hectare of forest land in Sy No. 5, 106 & 165 of Shantigodu Village, Kasaba Hobli, Puttur Taluk, Dakshina Kannada District for formation of Approach road, Power line, Intake to Jack well and Water Pipe line for obtaining approval under Section-2 of Forest (Conservation) Act, 1980, a period of twenty five (25) years, subject to submission of original Certificate of RoFR compliance and further subject to the 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, Dakshina Kannada District, Mangaluru for information and necessary action with regard to issuing the RoFR Compliance certificate.


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

Copy to the Executive Engineer, Minor Irrigation Department, Minor Irrigation Division, PM Rao Road, Kelle Court Building, Dakshina Kannada District-275001 with a request to submit the Certificate of RoFR (in original) obtained from the Deputy Commissioner as mentioned above, at the earliest.


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ಮುಖ್ಯ 22-12-2018,

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 Planting 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 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 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

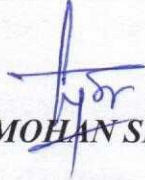
(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

<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>Submitted for approval for for diversion of 0.3542 hectare of forest land in Sy No. 5, 106 & 165 of Shantigodu Village, Kasaba Hobli, Puttur Taluk, Dakshina Kannada District for formation of Approach road, Power line, Intake to Jack well and Water Pipe line for obtaining approval under Section-2 of Forest (Conservation) Act, 1980, a period of twenty five (25) years, subject to submission of original Certificate of RoFR compliance and other conditions listed in Annexure 'A'.</p>
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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 SRIVIDHAR IFS
Principal Chief Conservator of Forests
(Head of Forest Force)

(Official Seal):

N.D.O. No: 32/2018-19.

Date: 22-12-2018.

