

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾ ಧಾರ್ಮಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ಟ್
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E-office File No. KFD/HoFF/A5-4(GFL)/16/2020-FC

Enc : 2 Sets *Proposed*

E-228757

Date 19-09-2020

25

To,

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

Sir,

Sub: Diversion of 0.436 hectare (*revised from 0.633 hectare*) of forest land in Bhaktharahalli Village Sy No. 75, Ambajidurga Hobli, Chintamani Taluk, Chikkaballapur District for construction of Jackwell-cum-Pump House, Foot-bridge, Transformer Yard, laying of 11 KV Express Feeder Line and Water Pipeline under for providing drinking water to Chintamani Town with Bhaktharahalli Arasikere Lake as water source in favour of Commissioner, Chintamani City Municipal Council, Chikkaballapur District

Proposal No: FP/KA/WATER/44628/2020

- Ref:**
1. Online Proposal [FORM-A PART-I] dated 19-05-2020 (re-submitted) of the Commissioner, Chintamani City Municipal Council, Chikkaballapur District r/w uploading of Acknowledgement on 16-06-2020 for having delivered the hard copies of proposal to jurisdictional Deputy Conservators of Forests and Deputy Commissioner
 2. This office online communication dated 17-06-2019 to Deputy Conservators of Forests, Chikkaballapur Division for further processing of the proposal
 3. Online submission of PART-II on 23-07-2020 by Deputy Conservator of Forests, Chikkaballapur Division r/w online reply dated 22-07-2020 of User Agency to the latest EDS query [*Letter No. A3/Land/ CR-16/2020-21/344 dated 29-07-2020*]
 4. Online submission of PART-III on 12-08-2020 by Chief Conservator of Forests, Bengaluru Circle [*Letter No. A11/LAND/CR-31/2020-21 dated 31-07-2020*]

1. The Commissioner, Chintamani City Municipal Council, Chikkaballapur District [USER AGENCY] vide Ref (1) has (re)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 0.436 hectare (*revised from 0.633 hectare*) of forest land in Bhaktharahalli Village Sy No. 75, Ambajidurga Hobli, Chintamani Taluk, Chikkaballapur District for construction of Jackwell-cum-Pump House, Footbridge, Transformer Yard, laying of 11 KV Express Feeder Line and Water Pipeline under for providing drinking water to Chintamani Town with Bhaktharahalli Arasikere Lake as water source. 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, Chikkaballapur Division and Deputy Commissioner, Chikkaballapur District and has uploaded the Acknowledgment on the web portal on 16-06-2020. Accordingly, an online communication was made by Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Chikkaballapur 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 Components			Forest extent proposed for diversion (ha)	Legal Status of Land
			Particulars	Length (m)	Width (m)		
Chikkaballapur District, Chintamani Taluk, Ambajidurga Hobli	Bhaktharahalli	75	1 Jack well cum Pump House	7.46	8.46	0.00631	*Bhaktharahalli Minor Forest
			2 Foot Bridge	30	3	0.00900	
			3 Transformer Yard	6	4	0.00240	
			4 11 KV Express Transmission Feeder Line with 355.60 mm Dia MS Water Pipeline laid at 1.2 m depth	597.18	7	0.41803	
Total						0.436	

*Notified as Minor Forest as per Notification No. G-8799-FT-243-35-2 Dated 25-04-1936

3. **DCF, Chikkaballapur Division Report:** The Deputy Conservator of Forests, Chikkaballapur Division, Chikkaballapur has inspected the site on 12-06-2020 and vide Ref (3) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Bengaluru Circle. Main features of the proposal based upon the Deputy Conservator of Forests, Chikkaballapur report r/w report of Chief Conservator of Forests, Bengaluru Circle and that of ICT Centre of Forest Department are summarized below.

- a. The forest land proposed for diversion is a flat patch of land bordering the lake and is not much prone to soil erosion.

- b.** The forest land proposed for diversion is in general landscape of Eco-class IV (**Tropical Thorn Forest**) with Open Forest (Canopy Density of <0.4).
 - c.** As per Item 4(ii) of PART-II, there are no trees on the forest land proposed for diversion.
 - d.** Major wild animals present in and around the project area include the Sloth Bear, Wild Pig, Hare, Peafowl, Owl, etc.
 - e.** There are no other 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.** The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
 - h.** There are no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc., within one kilometre of the forest land proposed for diversion.
 - i.** There are no Protected/ Archaeological/ Heritage sites or Defence establishments or important monuments in the area.
 - j.** There is no violation reported under the Forest (Conservation) Act, 1980.
 - k.** The requirement of forest land for the project is bare minimum and unavoidable.

4. CCF, Bengaluru Circle Report: The Chief Conservator of Forests, Bengaluru Circle has not inspected the site personally. However, agreeing with the recommendations of the Deputy Conservator of Forests, Chikballapura Division, the Chief Conservator of Forests, Bengaluru Circle has also recommended the proposal and vide Ref (4) has submitted his specific comments in Item 16 of PART-II/III of 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 dated 17-02-2020 to pay the Net Present Value (NPV) of the forest land proposed for diversion.**

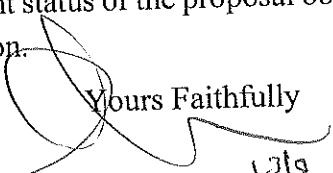
6. Compensatory Afforestation (CA): Present proposal involves diversion of within one hectare of forest land. The latest FC Guidelines are silent on the requirement of equivalent extent of non-forest land for the FC proposals involving diversion of forest land up to one hectare. However, Para 3.2(viii) 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. Even though there are no 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, in case it is required to fell a tree in forest land. The User Agency has already submitted an Undertaking dated 17-02-2020 to pay such charges.**

7. **Status of RoFR compliance:** In order to meet the requirement of the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act, 2006 and Rules 2008 and the FC Guidelines, the User Agency is required to obtain the **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. **The User Agency has obtained such certificate from the Deputy Commissioner, Chikballapura District vide No. DTWO/FRA/CR/01/2020-21 dated 26-08-2020.**

In light of the facts stated above and agreeing with the recommendation made by the field officers, **it is requested to accord 'in-principle' (Stage-I) approval for diversion of 0.436 hectare (revised from 0.633 hectare) of forest land in Bhaktharahalli Village Sy No. 75, Ambajidurga Hobli, Chintamani Taluk, Chikkaballapur District for construction of Jackwell-cum-Pump House, Footbridge, Transformer Yard, laying of 11 KV Express Feeder Line and Water Pipeline under for providing drinking water to Chintamani Town with Bhaktharahalli Arasikere Lake as water source in favour of Commissioner, Chintamani City Municipal Council, Chikkaballapur District for a period of 20 years 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 of the proposal obtained from the FC web portal is also appended for information.


Yours Faithfully
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(Sanjai Mohan, IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

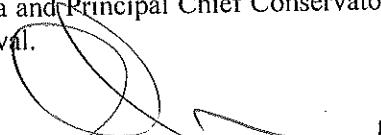
1. Chief Conservator of Forests, Bengaluru Circle, Bengaluru for information.
2. Deputy Conservator of Forests, Chikkaballapur Division, Chikkaballapur for information.
3. Commissioner, Chintamani City Municipal Council, Ward No. 10, N.R Layout, Bengaluru Road, Chintamani, Chikkaballapur District – 563 125 for information.

o/c

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ಬೆಂಗಳೂರು 25/9/2022

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 (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 Lessee shall provide signages in appropriate dimensions and nature on both sides of the pipeline within forest limits for sensitisation 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.



(Sanjai Mohan, IFS) 23/1
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 according 'in-principle' (Stage-I) approval for diversion of 0.436 hectare (<i>revised from 0.633 hectare</i>) of forest land in Bhaktharahalli Village Sy No. 75, Ambajidurga Hobli, Chintamani Taluk, Chikkaballapur District for construction of Jackwell-cum-Pump House, Foot-bridge, Transformer Yard, laying of 11 KV Express Feeder Line and Water Pipeline under for providing drinking water to Chintamani Town with Bhaktharahalli Arasikere Lake as water source in favour of Commissioner, Chintamani City Municipal Council, Chikkaballapur District for a period of 20 years subject to the conditions appended in Annexure 'A'.</p> <p>[Proposal No. FP/KA/Water/44628/2020]</p>
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Signature:



Name:

(RAJIV RANJAN, IFS)

Designation:

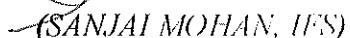
**Principal Chief Conservator of Forests
(Forest Conservation) and Nodal Office (FCA)**

(Official Seal)



Countersigned by :

Name:


(SANJAI MOHAN, IFS)

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

(Official Seal)

N.D.O. No: ~~65~~/2020-21

Date: 25-09-2020

