

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003

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

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Old File No: A5(4).GFL.CR 11/2016-17

E-78217

E-office File No. KFD/HoFF/A5-4(GFL)/18/2019-FC

Date 18-02-2020

To,
Enclosure - 3 files

28-02-2020

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

Sir,

Sub: Diversion of 0.597 hectare of forest land in Bukkasagar Village Sy No. 549, 550 & 551 and Kanive Thimmalapura Village Sy No. 258 & 133, Kamalapura Hobli, Hosapete Taluk, Ballari District for Laying of Drinking Water Pipeline under Combined Water Supply Scheme (CWSS) to Bukkasagara, Devasamudra and five (5) other villages in Hosapete Taluk in favour of the Executive Engineer, Rural Drinking Water Supply & Sanitation Department, Ballari

Proposal No. FP/KA/WATER/19533/2016

- Ref:**
1. Online Proposal [FORM-A PART-I] dated 07-12-2016 (re-submitted) of the Assistant Executive Engineer, Rural Water Supply Sub Division, Hosapete (*Authorised Applicant*) r/w uploading of Acknowledgement online on 07-03-2017 for having delivered hard copy of proposal to jurisdictional DCF & DC
 2. This office online communication dated 07-03-2017 to Deputy Conservators of Forests, Ballari Division for further processing
 3. Online submission of PART-II by Deputy Conservator of Forests, Ballari Division on 15-02-2019 r/w online reply dated 23-12-2019 of User Agency to the latest EDS query [*Letter No. A7/LND/RDWS/Bly/CR-1/2016-17/404 dated 16-11-2018, 24-10-2019 & 01-01-2020*]
 4. Online submission of PART-III by Chief Conservator of Forests, Ballari Circle on 06-03-2019 r/w online reply dated 05-02-2020 to the latest EDS query of Nodal Officer [*Letter M1/MNG/Pipeline/CR-10/2018-19(RWS & S) dated 26-02-2019, 06-11-2019 & 05-02-2020*]

1. The Assistant Executive Engineer, Rural Water Supply Sub Division, Hosapete Ballari District [**USER AGENCY**] vide Ref (1) has 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 0.597 hectare of forest land in Bukkasagar Village Sy No. 549, 550 & 551 and Kanive Thimmalapura Village Sy No. 258 & 133, Kamalapura Hobli, Hosapete Taluk, Ballari District for Laying of Drinking Water Pipeline under Combined Water Supply Scheme (CWSS) to Bukkasagara, Devasamudra and five (5) other villages in Hosapete Taluk. After acceptance of the proposal by Nodal Officer, the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Ballari Division & Deputy Commissioner, Ballari District and has uploaded the Acknowledgment on FC web portal on 07-03-2017. Accordingly, an online communication was made by Nodal Officer vide Ref (2) to the Deputy Conservator of Forests, Ballari Division, Ballari for further processing of the proposal under FC Act.

2. **Location details and Component wise break up:** Location details and Component wise breakup of the forest land proposed for diversion are given below.

District, Taluk, Hobli	Village	Sy No.	Project Compone nt	Extent of forest land proposed for diversion (ha)	Legal status of land
Ballari District, Hospete Taluk, Kamlapura Hobli	Bukkasagara	549*	Water Pipeline (1990 m x 3 m)	0.079	Bukkasagara Reserved Forest**
		550*		0.036	
		551*		0.137	
	Kanvi Thimmapura	258		0.236	
		133*		0.109	
	Total			0.597	

*Also included in Daroji Wildlife Sanctuary notified vide Government of Karnataka notification No. FEE 119 FWL 2008 dated 03-10-2008

** Notified vide No.590 dated 07-12-1892 of Madras Presidency

3. **DCF, Ballari Division Report:** The Deputy Conservator of Forests, Ballari Division, Ballari has inspected the site on 12-06-2018 and vide Ref (3) has submitted his Site Inspection Report along with recommendation in PART-II to Chief Conservator of Forests, Ballari Circle. The main features of the proposal based up on the DCF report r/w report of CCF, Ballari Circle and that of ICT Centre of Forest Department are summarized below.

- The forest land proposed for diversion is in general landscape of Eco-class IV (Tropical Thorn Forests) with 10% canopy density (Open Forest). [Note: The canopy density entered in Item 4(i) of PART-II of the proposal may be read accordingly.]
- As per Item 4(ii) of PART-II, there are no trees on the forest land proposed for diversion.

- c. The forest land proposed for diversion is not prone to soil erosion.
 - d. The forest area proposed for diversion forms a part of Daroji Sloth Bear Sanctuary and also within its Eco-sensitive Zone.
 - e. Major Wild animals found in and around the project area include Sloth Bear, Leopard, Striped hyena, Indian wolf, Jackal, Common fox, Star tortoise, Porcupine, Pangolin, Mongoose, Monitor Lizard, etc.
 - f. There are no other rare / endangered / unique species of flora and fauna reported in the forest area proposed for diversion.
 - g. There are no Protected/ Archaeological/ Heritage Sites/ Defence establishments or important monuments in the area.
 - h. There is no violation reported under Forest (Conservation) Act, 1980.
 - i. The requirement of forest land for the project is bare minimum and unavoidable.
4. **CCF, Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has not inspected the site. However, agreeing with the recommendations of the Deputy Conservator of Forests, Ballari Division, he has also recommended the proposal. Specific comments of the Chief Conservator of Forests, Ballari Circle are mentioned in PART-III of the proposal cited at Ref (4) above.
5. **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 26-06-2019 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 to pay the Compensatory Plantation 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 Para 3.1 to 3.4 of the latest 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. **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.**

8. **Wildlife Clearance:** As the project alignment passes through a Wildlife Sanctuary, the User Agency is required to apply online and obtain the Wildlife Clearance from the National Board for Wildlife. **The User Agency has not furnished such clearance so far and is being informed once again to obtain and submit such clearance at the earliest.**

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 0.597 hectare of forest land in Bukkasagar Village Sy No. 549, 550 & 551 and Kanive Thimmalapura Village Sy No. 258 & 133, Kamalapura Hobli, Hosapete Taluk, Ballari District for Laying of Drinking Water Pipeline under Combined Water Supply Scheme (CWSS) to Bukkasagara, Devasamudra and five (5) other villages in Hosapete Taluk in favour of the Executive Engineer, Rural Drinking Water Supply & Sanitation Department, Ballari for a period of 20 years subject to production of Wildlife Clearance from National Board for Wildlife and RoFR Compliance Certificate in FORM-I from jurisdictional Deputy Commissioner as mentioned above and also 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 web-portal is also appended for necessary action.

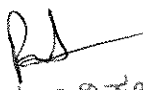
Yours Faithfully



(Punati Sridhar IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)


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1. Copy to the Chief Conservator of Forests, Ballari Circle, Ballari for information.
 2. Copy to the Deputy Conservator of Forests, Ballari Division, Ballari for information.
 3. Copy to the Assistant Executive Engineer, Rural Water Supply Sub Division, Hosapete, Ballari District - 583201 for information and **with a request to obtain and submit the Wildlife Clearance from National Board for Wildlife and the RoFR Compliance Certificate in FORM-I from jurisdictional Deputy Commissioner as mentioned above at the earliest.**


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28-2-2020
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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 & 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. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
7. 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.
8. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
9. 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.
10. 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.
11. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
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 / 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.


(Punati Sridhar 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 diversion of 0.597 hectare of forest land in Bukkasagar Village Sy No. 549, 550 & 551 and Kanive Thimmalapura Village Sy No. 258 & 133, Kamalapura Hobli, Hosapete Taluk, Ballari District for Laying of Drinking Water Pipeline under Combined Water Supply Scheme (CWSS) to Bukkasagara, Devasamudra and five (5) other villages in Hosapete Taluk in favour of the Executive Engineer, Rural Drinking Water Supply & Sanitation Department, Ballari for a period of 20 years subject to production of Wildlife Clearance from National Board for Wildlife and RoFR Compliance Certificate in FORM-I from jurisdictional Deputy Commissioner as mentioned above and also the conditions appended in Annexure 'A'.</p> <p>[Proposal No. FP/KA/WATER/19533/2016]</p>
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Signature:

Name:

(RAJIV RANJAN IFS)

Designation:

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

(Official Seal)

Countersigned by :

Name:

(PUNATI SRIDHAR IFS)

Designation:

Principal Chief Conservator of Forests
(Head of Forest Force)

(Official Seal)

N.D.O. No: 32/2019-20

Date: 28-02-2020

