

C.No.18638

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, 18th Cross
Malleshwaram, Bengaluru-560 003

Telephone : 080 2334 6472

Email : apccffc@gmail.com

No: A5(4).GFL.CR.17/2017-18

Date: 27-01-2018

(3 sets proposal enclosed)

To,

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

Sir,

Sub: Diversion of 0.25 hectare of forest land in Doddanallala Plantation (adjoining Doddanallala Village & Attivatta Village) in Bengaluru Rural District for lifting / pumping 440 MLD secondary treated water from K & C valley STP & Belandoor STP to Narasapura Tank and onwards to fill 126 tanks in Kolar District and Chintamani Taluk in Chikkaballapur District in favour of the Executive Engineer, Minor Irrigation Division, Bengaluru Rural District-
[Proposal No. FP/KA/IRRIG/26969/2017].

- Ref: 1) Online Proposal dated 22-8-2017 (resubmitted) of the Executive Engineer, Minor Irrigation Division, Bengaluru Rural District.
- 2) This office online communication dated 31-08-2017.
- 3) Online submission of PART-II by Deputy Conservator of Forests, Bengaluru Rural Division to Bengaluru Circle on 27-10-2017 and reply to Circle query vide his letter No.A4/Bhoomi/GL.1676/2013-14 dated 07-11-2017 (uploaded on 8-11-2017).
- 4) Letter No. A11/Bhoomi/CR-141/2017-18 dated 13-11-2017 of the Chief Conservator of Forests, Bengaluru Circle, Bengaluru (uploaded on 14-11-2017).

* * * * *

1. The Executive Engineer, Minor Irrigation Division, Bengaluru Rural District has submitted a proposal through web portal seeking approval for diversion of 0.25 hectare of forest land in Doddanallala Plantation in Bengaluru Rural District for lifting / pumping 440 MLD secondary treated water from Kormangala-Challaghatta Valley (KC valley) STP & Belandoor STP to Narasapura Tank and onwards to fill 126 tanks in Kolar District and Chintamani Taluk in Chikkaballapur District under Section 2 of the Forest (Conservation) Act, 1980 vide reference (1) above. Accordingly, a communication through online was made by Nodal Officer vide reference (2) to the Deputy Conservator of Forests, Bengaluru Rural Division, Bengaluru and Deputy Commissioner, Bengaluru Rural District for processing the application.

2. The details of the forest land required are as under:

	Name of the			Survey number and village	Status of Land	Extent (in ha)
	District	Taluk	Hobli			
1	Bengaluru Rural	Hosakote	Jadigenahalli	1 of Doddanallala Plantation (Reserved Forest)	Doddanallala Plantation State Forest	0.25
Total						0.25

The component purpose wise breakup of the forest land required for the project is as under:

	Component-wise Breakup details	Extent (in ha)
1	Construction of Surge Tank	0.25
	Grand Total	0.25

3. The Deputy Conservator of Forests, Bengaluru Rural Division has inspected the site on 06-09-2017 and has vide reference (3) furnished the following details in PART-II of the proposal.

- 1) The requirement of forest land proposed by the User Agency is bare minimum and unavoidable for the project.
- 2) Density of vegetation is less than 0.3 and the project lies in Eco – Class III Open Forest.

- 3) There are 18 numbers of *Buchanania lanzan* ('maradi') trees / plants in the forest land for diversion, out of which 3 trees are in 31-60 cm girth class as per a separate statement enclosed by Deputy Conservator of Forests, Bengaluru Rural Division in PART-II. [Note: The number of trees in girth class 31-60 cm and above reported as NIL in Item -4 of PART-II by the DCF is not factually correct.]
 - 4) There are no rare / endangered / unique species of flora and fauna in the proposed area.
 - 5) There are no protected / archaeological / heritage sites or defence establishments or important monuments in the area.
 - 6) The proposed forest area does not form part of any Wildlife Sanctuary, National Park, Biosphere Reserve, Tiger Reserve or Elephant Corridor, etc.
 - 7) There is no violation reported under Forest Conservation Act, 1980.
4. The Chief Conservator of Forests, Bengaluru Circle has inspected the site on 26-10-2017 and has agreed with the recommendations of the Deputy Conservator of Forests, Bengaluru Rural Division and recommended the proposal for diversion of forest land concerned. In this regard, specific comments of the Chief Conservator of Forests, Bengaluru as mentioned in Part-III of the proposal vide letter dated 13-11-2017 cited at reference (4) above are as follows.

"The proposed diversion of 0.25 hectare forest land in Nallala village Survey number 1 of Nallala State Forest for construction of Surge tank along pipeline to be laid under KC Valley project in favour of Executive Engineer, Water Resource Department (Minor Irrigation), Kolar to fill 126 tanks in Kolar and Chikkaballapura District is recommended for approval since the requirement of area is unavoidable, bare minimum and the proposal is in the general public interest and helps in improvement of socio-economic status of the local people".

5. The Chief Conservator of Forests (Research), Bengaluru, vide letter No. A2/BUD/CR-28/2017-18 addressed to Deputy Conservator of Forests, Bengaluru Rural Division has not raised any objection to diversion of the forest land in question, that is being maintained by the Reserved wing of the Forest Department. He has stated that the Research wing is only

maintaining the land and the opinion with regard to diversion of forest land in the case may be obtained from the department officers concerned.

6. **Compensatory Afforestation (CA):** The forest land proposed for diversion in the present proposal has 18 trees, out of which three (3) are in 31-60 cm girth class. As per Para 3.2 (viii) (b) of the Forest (Conservation) Act, 1980 Guidelines issued by Ministry of Environment, Forests & Climate Change, Government of India, no compensatory afforestation land is to be insisted upon if the forest land proposed for diversion is up to one hectare. However, **the User Agency has to pay the cost for raising plantation of 10 times the trees likely to be felled (i.e., $18 \times 10 = 180$ plants) in accordance with Principal Chief Conservator of Forests (HoFF), Karnataka letter No. A5(3).GFL.CR.28/2009-10 dated 4-11-2017.** Further, the Deputy Conservator of Forests, Bengaluru Rural Division, Bengaluru has identified 1.00 hectare of degraded forest land in Sy No.1 of Aralemakenahalli Village, Jadigenahalli Hobli, Hosakote Taluk, Bengaluru Rural District for compensatory planting of 10 times the trees to be felled. In this regard, he has submitted the Toposheet Map, Village Map, GPS reading, Suitability Certificate and Compensatory Planting Scheme.
7. **Net Present Value (NPV):** The User Agency has given an undertaking to pay the Net Present Value.
8. **ROFR Certificate:** With regard to compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest rights) Act 2006, a Certificate in Form-II from the Deputy Commissioner concerned is yet to be furnished.

Under the above circumstances and agreeing with the recommendation of the field officers, it is requested to consider the proposal for approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.25 hectare of forest land in Doddanallala Plantation, Hoskote Taluk, Bengaluru Rural District for lifting / pumping 440 MLD secondary treated water from KC valley STP & Belandoor STP to Narasapura Tank and onwards to fill 126 tanks in Kolar District & Chintamani Taluk in Chikkaballapur District in favour of the Executive Engineer, Minor

Irrigation Division, Bengaluru Rural District as per guidelines issued by Government of India, Ministry of Environment, Forest and Climate Change, New Delhi vide No. 11-9/98-FC dated 13-02-2014 (General Approval) for a period of 20 years, subject to the conditions appended in Annexure 'A' and following specific conditions :

- (1) Production of requisite Certificate issued by the Deputy Commissioner, Bengaluru Rural District in Form-II for compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest rights) Act 2006,
- (2) The User Agency shall undertake to bear the cost of planting ten times the number of trees to be felled, in accordance with the Principal Chief Conservator of Forests (Head of Forest Force) letter No. A5(3).GFL.CR.28/2009-10 dated 4-11-2017.

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

Yours faithfully

Principal Chief Conservator of Forests
(Head of Forest Force), Bengaluru

Copy to the Chief Conservator of Forests, Bengaluru Circle, Bengaluru for information and necessary action.

Copy to the Chief Conservator of Forests (Research), Arekere Micro Layout, Doresanipalya, Bengaluru-76 for information.

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

Copy to the Deputy Commissioner, Bengaluru Rural District, Bengaluru for information. As per Rule 3(e) and (f) of the Forest (Conservation) Amendment Rules, 2014 vide notification dated 14-03-2014 issued by the Government of India, Ministry of Environment, Forest and Climate Change, the District Collector shall complete the process for settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, obtain consent of the Grama Sabha/s, wherever required, and forward his findings in the format specified by Ministry of Environment, Forest and Climate Change vide letter No. 11-9/1198-FC(Pt) dated 03-08-2009/05-07-2013 within thirty (30) days to

the Conservator of Forests, Bengaluru Circle, Bengaluru under intimation to this office as per the Forest (Conservation) Rules. Therefore, you may take action accordingly for furnishing compliance in this regard.

Copy to the Executive Engineer, Minor Irrigation Division, Near Sub Register Office, Kolar for information and necessary action for submission of the RoFR certificate from the concerned Deputy Commissioner at the earliest.

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ANNEXURE 'A'

1. The legal status of Forest land shall remain unchanged and it shall continue to be as forest land.
2. User Agency has to pay the cost for raising plantation of 10 times of the trees to be felled at the rate prevailing at the time of approval.
3. Production of requisite Certificate issued by the Deputy Commissioner, Bengaluru Rural District as per the 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 in Form-II for compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest rights) Act 2006
4. The lease tenure is for a period of 20 (twenty) years.
5. The lessee shall pay lease rent as fixed by the Government from time to time.
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 one year or when it is no longer needed for the stipulated purpose, the area should be resumed to the Forest Department.
7. In case, any violation is reported during the lease period, the lease shall be forfeited under Section 82 of Karnataka Forest Act, 1963. The concerned Chief Conservator of Forests / Deputy Conservator of Forests are authorized to take necessary action in this regard.
8. No residential buildings shall be permitted in the forest area proposed for diversion.
9. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
10. The User Agency has to pay the Net Present Value (NPV) of forest land diverted under this proposal as per Orders dated 28-3-2008 and 9-5-2008 of the Hon'ble Supreme Court of India.
11. The User Agency shall ensure that there should be no damage to the available fauna and other flora in and around the proposed area.
12. Demarcation of the proposed area shall be carried out appropriately at the cost of user agency.
13. No crushing / breaking of stones shall be allowed inside forest area.
14. No labour camp shall be established on the forest land.
15. All waste / debris generated shall be scientifically disposed off outside the forest area.
16. Any damage to forest area due to implementation of the proposal shall be compensated by the User Agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
17. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
18. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act, 1986, if required.
19. The User Agency shall also abide by all the conditions herein or fresh conditions imposed by Government of India, Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force).


Principal Chief Conservator of Forests
(Head of Forest Force), Bengaluru.

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).	Recommended for diversion of 0.25 hectare of forest land in Doddanallala Plantation (adjoining Doddanallala Village & Attivatta Village) in Hoskote Taluk, Bengaluru Rural District for lifting / pumping 440 MLD secondary treated water from KC valley STP & Belandoor STP to Narasapura Tank and onwards to fill 126 tanks in Kolar District & Chintamani Taluk in Chikkaballapur District in favour of the Executive Engineer, Minor Irrigation Division, Bangalore Rural District (Proposal No. FP/KA/IRRIG/26969/2017) subject to the conditions appended in Annexure-'A'.
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Signature:

Name:

Designation:

 25/01/18
Nodal Officer &


**Additional Principal Chief Conservator of Forests
(Forest Conservation), Bangalore**

(Official Seal)

Countersigned by :

Name:

Designation:

 **ASHOK KUMAR GARG IES**
Principal Chief Conservator of Forests
(Head of Forest Force), Bangalore

(Official Seal)

N.D.O. No: 32/2017-18.

Date: 27-01-2018.

