

(1)

No. A5(2).GFL.CR-14/2014-15.
Proposal No: FP/KA/WATER/8136/2014

4 Self proposal enclosed

Office of the
Principal Chief Conservator of Forests
(Head of Forest Force)
Aranya Bhavan, Malleshwaram,
Bangalore-560 003, dated: 15-03-2015.

To

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

Sir,

Sub: Diversion of 0.75 ha. (Gadag Division - 0.4927 & Bagalkot Division - 0.26 ha.) of forest land in Sy.No. 44 of Bommasagar Village in Ron Taluk, Gadag District and in Sy.No. 189 of Belur, Sy.No. 18 of Jalihal & Sy.No. 3 of Chikkanasabi villages in Badami Taluk, Bagalkot District for construction of Water Treatment Plant, Master Balancing Reservoir and laying of pipeline for Multi village water supply scheme to Sarjapur and other 16 villages of Ron Taluk, Gadag District.

- Ref: 1. Proposal No. FP/KA/Water/8136/2014 dated 25-11-2014 of the Executive Engineer, Rural Drinking Water and Sanitation Division, Gadag.
2. This Office letter even no dated 29-12-2014.
3. Letter No. A1/GFL/Bommasagara/Sy.No.44/CR-30/2014-15 dated 07-03-2015 of Chief Conservator of Forests, Dharwad Circle, Dharwad.
4. Letter No. A7/LND/FCP/WSS/CR-30/2014-15 dated 07-03-2015 of the Chief Conservator of Forests, Belagavi Circle, Belagavi.

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The Executive Engineer, Rural Drinking Water and Sanitation Division, Gadag vide letter under reference (1) above has submitted a proposal for diversion of 0.75 ha. (Gadag Division - 0.4927 & Bagalkot Division - 0.26 ha.) of forest land in Sy.No. 44 of Bommasagar Village in Ron Taluk, Gadag District and in Sy.No. 189 of Belur, Sy.No. 18 of Jalihal & Sy.No. 3 of Chikkanasabi villages in Badami Taluk, Bagalkot District for construction of Water Treatment Plant, Master Balancing Reservoir and laying of pipeline for Multi village water supply scheme to Sarjapur and other 16

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4. The Deputy Conservator of Forests, Bagalkot has inspected the spot on 12-2-2015 and has observed that the proposed area falls within the limits of scrub and degraded forest. He has also reported that, no trees are found in the proposed forest area. Further, he has reported that no rare, endangered species of flora & fauna are found in the proposed area and that the project does not affect any monument of historical, recreational, archaeological importance. It is not a part of National Park or Wildlife Sanctuary. The Deputy Conservator of Forests, Bagalkot submits that the forest land demanded for the said project is barest minimum. He has also reported that the provisions of the Forest(Conservation) Act-1980 are violated and a FIR has been filed against the contractor on 9-7-2014.

The Chief Conservator of Forests, Belagavi Circle has reported that Forest land demanded for the said project is less than 1 ha. Therefore, the proposal is exempted from raising of Compensatory Afforestation, as per Para 3.2(viii) (b) of the (Forest Conservation), Rules-2003. Further, he has reported that forest area proposed for diversion falls in Eco-Class-IV (Open Forest) and recommended for acceptance for diversion of 0.26 ha. of forest land in Bagalkot Division.

The following are some other observations with regard to the said proposal:

- a) The User Agency has submitted application in Form-A.
- b) The User Agency has furnished the undertakings for payment of Net Present Value (NPV) & other charges.
- c) There are no trees in proposed area for diversion.
- d) On analysis of the kml file uploaded by User Agency against Patch-I in Gadag Division, it appears that some work has already been carried out in this project in violation of the Forest (Conservation) Act, 1980. The same has been confirmed by the Chief Conservator of Forests, Dharwad Circle. The Deputy Conservator of Forests, Bagalkot has also reported that the provisions of Forest (Conservation) Act, 1980 are violated in the proposed area. Thus, the User Agency had taken up the works in Forest land in **violation** of the Forest (Conservation) Act, 1980. The said facts may kindly be brought to the notice of the Ministry of Environment, Forest and Climate Change, Government of India for taking appropriate decision as deemed fit for the above violation. The user agency shall have to comply with the same.
- e) In respect of the consent letter required under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

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villages of Ron Taluk, Gadag District for obtaining approval under Forest (Conservation) Act, 1980. Communication through online was made to the concerned Deputy Conservator of Forests & Chief Conservator of Forests to Process the said proposal and to submit their recommendations. Accordingly, they have processed the proposal and submitted their reports vide letters cited under reference (3) and (4) above. The details of the proposal are as follows:

1. Requirement of forest land:

| Name of the | | | Sy. No. | Extent in ha. | Status of forest land |
|--------------|-------|--------------|---------|---------------|-----------------------|
| District | Taluk | Village | | | |
| Gadag | Rona | Bommasagar | 44 | 0.4927 | RF |
| Bagalkot | - | Jalihal | 18 | 0.08 | RF |
| | - | Belur | 189 | 0.13 | RF |
| | - | Chikkanasabi | 3 | 0.05 | RF |
| Total | | | | 0.7527 | |

2. The Component wise breakup of forest land required is as follows:

| Sl.No. | Component wise breakup | Forest Land (ha.) | Non-forest Land (ha.) |
|--------------|--------------------------|-------------------|-----------------------|
| 1 | Pipe line at MBR | 0.0402 | 0 |
| 2 | Pipe line Raising Main | 0.26 | 0 |
| 3 | Water Treatment Plan | 0.4125 | 0 |
| 4 | Master Balancing Reserve | 0.04 | 0 |
| Total | | 0.7527 | |

3. The Deputy Conservator of Forests, Gadag Division, Gadag has inspected the project spot on 13-01-2015 and reported that (i) the area demarcated on the ground for the diversion of forest land to an extent of 0.4927 ha. for construction of WTP, MBR & laying of pipeline, (ii) no rare endangered, unique species of flora and fauna is found in the proposed area, (iii) since the project is for public work, diversion of forest land is essential and (iv) the demand for the forest land is unavoidable and barest minimum genuine for the project. Further, he has recommended the proposal for acceptance.

The Chief Conservator of Forests, Dharwad Circle has reported that since the Forest area required is small i.e. 0.4927 ha. and has no rare endangered unique Species of flora and fauna is found in the proposed area and also the project is of public requirement, the forest area may be permitted for diversion.

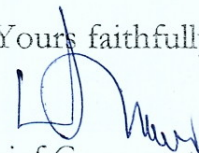
and Rules 2008, the User Agency has submitted the certificate (Form-I) issued by the Deputy Commissioner, Gadag District for 0.4927 ha. However, the certificate in Form-II is required in this case. Accordingly, the Deputy Commissioner, Gadag District & Bagalkot District have been requested vide this office letter of even No. dated: -03-2015 to 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 and forward the proposal along with his findings on settlement of rights under Forest Rights Act, 2006 and consent of the Grama Sabhas to the Chief Conservator of Forests, Dharwad Circle & Belagavi Circle under intimation to this office as per Rule 3(e) and (f) of the Forest (Conservation) Amendment Rules, 2014 (Copy enclosed).

The User Agency has not identified the non-forest land for raising of Compensatory Afforestation since no Compensatory Afforestation is required for the proposal involving diversion of forest land up to 1.00 ha. as per Chapter-3 point no. 3.2 viii (b) of Forest (Conservation) guidelines.

Under the above circumstances, while agreeing with recommendation of the field officers it is requested to move the diversion proposal with the Government of India for according in-principle (Stage-I) approval under Section-2 Forest (Conservation) Act, 1980 for diversion of 0.75 ha. (Gadag Division - 0.4927 & Bagalkot Division - 0.26 ha.) of forest land in Sy.No. 44 of Bommasagar Village in Ron Taluk, Gadag District and in Sy.No. 189 of Belur, Sy.No. 18 of Jalihal & Sy.No. 3 of Chikkanasabi villages in Badami Taluk, Bagalkot District for construction of Water Treatment Plant, Master Balancing Reservoir and laying of pipeline for Multi village water supply scheme to Sarjapur and other 16 villages of Ron Taluk, Gadag District Subject to the conditions appended 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), Bengaluru.

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Copy to the Chief Conservator of Forests, Dharwad Circle & Belagavi Circle, for information and necessary action.


Copy to the Deputy Conservator of Forests, Gadag Division for information. Further, he is once again directed to submit the report as called for vide this office letter of even no dated 27/29-12-2014 regarding violations in the said proposal immediately through the Chief Conservator of Forests, Dharwad Circle, Gadag for information.

Copy to the Executive Engineer, Rural Water Supply and Sanitation Division, Industrial Estate, Hubli road, Gadag - 582 103 for information.

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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. The lessee shall pay lease rent as fixed by the Govt. from time to time.
3. The lease tenure is for a period of 20 (twenty) years.
4. 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 shall be resumed back. The concerned Chief Conservator of Forests / Deputy Conservator of Forests is authorized to take necessary action in this regard.
5. In case of any violations accrued, the proposed Forest Land shall be liable for forfeiture under Section 82 of Karnataka Forest Act 1963.
6. No residential buildings shall be permitted in the proposed forest area.
7. The leased out area shall be demarcated on ground by fixing RCC pillars to an interval of 20.00 Mtrs and the boundary shall be fenced with chain link mesh at the cost of the User Agency.
8. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
9. 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.
10. The User Agency shall have to give an undertaking for payment of additional amount of Net Present Value payable if any, becoming due after revision of the same by 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.
12. No labour camp shall be established on the forest land.
13. Any damage to forest area due to such works shall be compensated by the User Agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
14. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
15. The User Agency shall also abide by all the conditions imposed upon by Government of India, the Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force).


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

(5)

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15/4/15

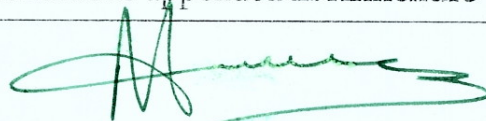
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PART - IV

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

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| <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>Recommended for Diversion of 0.75 ha. (Gadag Division - 0.4927 & Bagalkot Division - 0.26 ha.) of forest land in Sy.No. 44 of Bommasagar Village in Ron Taluk, Gadag District and in Sy.No. 189 of Belur, Sy.No. 18 of Jalihal & Sy.No. 3 of Chikkanasabi villages in Badami Taluk, Bagalkot District for construction of Water Treatment Plant, Master Balancing Reservoir and laying of pipeline for Multi village water supply scheme to Sarjapur and other 16 villages of Ron Taluk, Gadag District under the Forest (Conservation) Act, 1980 subject to the conditions appended in Annexure 'A'.</p> |
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Signature:



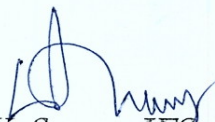
Name:

P. ANUR REDDY, IFS.,

Designation:

Nodal Officer & Additional Principal Chief Conservator of Forests (Forest Conservation) & Nodal Officer, Aranya Bhavan, Malleshwaram 18th Cross, Bangalore-400007.

Signature:



Name:

G. V. Sugur, IFS.,

Designation:

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

(Official Seal):

N.D.O. No. 01 / 2015-16

Date: 13 / 04 / 2015.

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