

C.No. 16340

No: A5(4).GFL.CR.04/2016-17

(3 set proposal
copy enclosed)

Office of the
Principal Chief Conservator of Forests
(Head of Forest Force)
Aranya Bhavan, Malleshwaram, 18th Cross
Bengaluru-560 003, dated 30-03-2017.

To

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

Sir,

Sub: Diversion of 0.8084 ha. (Revised from 0.7264 ha.) of forest land in Sy.No. 16 & 17 of Lakkihally Village in Chitradurga Forest Division & District to providing Water Supply Scheme to Imanagala and other 37 Village in Hiriya Taluk for construction of WTP, Water Storage Tank, Sump and Pipeline in favour of the Assistant Executive Engineer, Rural Water Supply & Sanitation, Sub Division, Hiriya Proposal No. FP/KA/WATER/19212/2016.

- Ref: 1) Online Proposal No. FP/KA/WATER/ 19212/2016 dated 17-09-2016 of the Assistant Executive Engineer, Rural Water Supply & Sanitation, Sub Division, Hiriya
- 2) Letter No. M1/DW/FL/Diversion/CR-10/2016-17/1570 dated 13-03-2017 of the Chief Conservator of Forests, Ballari Circle, Ballari
- 3) Letter No. A6/FCA/CR-34/2016-17/5031 dated 02-03-2017 of the Deputy Conservator of Forests, Chitradurga Division, Chitradurga

* * * * *

The Assistant Executive Engineer, Rural Water Supply & Sanitation, Sub Division, Hiriya has submitted the proposal through web portal for seeking approval for diversion of 0.8084 ha. of forest land in Sy.No. 16 & 17 of Lakkihally Village in Chitradurga Forest Division & District to providing Water Supply Scheme to Imanagala and other 37 Village in Hiriya Taluk for construction of WTP, Water Storage Tank, Sump and Pipeline in favour of the Assistant Executive Engineer, Rural Water Supply & Sanitation, Sub Division,

Hiriyur Proposal No. FP/KA/WATER/ 19212/2016 under the Forest (Conservation) Act, 1980 vide letter cited under reference (2) & (3) above.

The details of the forest land required are as under:

Sl No	Name of the			Sy. No.	Status of Land	Extent (in ha.)
	District	Taluk	Village			
1	Chitradurga	Hiriyur	Lakkihalli	16 & 17	Proposed Section 4-Forest area.	0.8068
Total						0.8068

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

Sl No	Components Breakup details	Extent (in ha.)
1	Approach Road	0.3127
2	Raising Main Pipe Line	0.0261
3	Gravity Main Pipe line	0.1272
4	Connecting Pipe line	0.0008
5	WTP	0.16
6	Power Sub-Station	0.18
Grand Total		0.8068

The Deputy Conservator of Forests, Chitradurga Division, Chitradurga has furnished the details in Form-A Part-II as under:

- 1) The requirement of forest land proposed by the User Agency is barest minimum and unavoidable for the project.
- 2) The proposed forest area falls under Eco-Class-III category.
- 3) The proposed forest land is open forest and prone for erosion
- 4) There are no rare / endangered / unique species of flora and fauna in the proposed area.
- 5) There are no protected / archeological / 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

The User Agency has not identified the non-forest land for raising of Compensatory Afforestation. As per guidelines to Forest (Conservation) Act, 1980 issued by Ministry of Environment and Forests, Government of India vide para 3.2 (viii) (b), no compensatory afforestation land shall be insisted upon if the forest land proposed for diversion is less than 1.00 ha.

The User Agency has to pay the Net Present Value (NPV) of forest land being diverted under this proposal as per Hon'ble Supreme Court of India's Orders dated 28-3-2008 and 9-5-2008 in I.A.No.826 in I.A.566 in WP(C) No. 202/1995. The User Agency has given an undertaking to pay the Net Present Value towards 0.8068 ha. of forest land proposed for diversion.

The user agency has not submitted the compliance of Recognition of Forest Rights (RoFR) from the concerned Deputy Commissioner in Form-I/II regarding process & settlement of rights under ROFR as per the guidelines issued vide letter F.No.11-9/98-FC(pt.) dated 05-07-2013 of the Ministry of Environment and Forests, Government of India. Further, the User Agency has submitted an undertaking stating that the same will be submitted as compliance under Recognition of Forests Rights (RoFR) Act 2006, duly obtaining it from the Deputy Commissioner, Chitradurga District, subsequent to issuance of "final approval" (Stage-II) approval (Copy enclosed).


The Deputy Conservator of Forests, Chitradurga Division has inspected the site on 26-02-2017 and recommended the proposal for acceptance as the proposed area unavoidable and barest minimum and this area is a dry area and water table is very low and this project is for public work.

The Chief Conservator of Forests, Ballari Circle, Ballari has not inspected and in agreement with the recommendations of the Deputy Conservator of Forests, Chitradurga Division, Chitradurga has also recommended the above proposal for diversion forest land. In this regard specific comments of the Chief

Conservator of Forests, Bellari Circle, Bellari as mentioned in Part-III of the proposal may be perused.

Under the above circumstances, while agreeing with recommendation of the field officers. it is requested to issue approval under Section -2 of Forest (Conservation) Act, 1980 for diversion of 0.8084 ha. of forest land in Sy.No. 16 & 17 of Lakkihally Village in Chitradurga Forest Division & District to providing Water Supply Scheme to Imanagala and other 37 Village in Hiriyur Taluk for construction of WTP, Water Storage Tank, Sump and Pipeline in favour of the Assistant Executive Engineer, Rural Water Supply & Sanitation, Sub Division, Hiriyur Proposal No. FP/KA/WATER/ 19212/2016 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 30 years, subject to the conditions appended in Annexure 'A'. The proforma particulars along with relevant documents in 4 sets are submitted herewith for kind perusal and further action.

Yours faithfully,

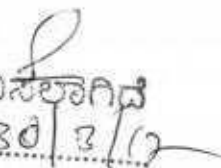

Principal Chief Conservator of Forests
(Head of Forest Force), Bangalore.

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

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

Copy to the Executive Engineer, Rural Water Supply and Sanitation Division, Chitradurga for information and necessary action.


Copy to the Assistant Executive Engineer, Rural Water Supply and Sanitation Sub Division, Hiriyur for information and necessary action.


ರಮೇಶ್ ಬಾಬು
ದಿನಾಂಕ 30/3/12

Conservator of Forests, Bellari Circle, Bellari as mentioned in Part-III of the proposal may be perused.

Under the above circumstances, while agreeing with recommendation of the field officers. it is requested to issue approval under Section -2 of Forest (Conservation) Act, 1980 for diversion of 0.8084 ha. of forest land in Sy.No. 16 & 17 of Lakkihally Village in Chitradurga Forest Division & District to providing Water Supply Scheme to Imanagala and other 37 Village in Hiriur Taluk for construction of WTP, Water Storage Tank, Sump and Pipeline in favour of the Assistant Executive Engineer, Rural Water Supply & Sanitation, Sub Division, Hiriur Proposal No. FP/KA/WATER/ 19212/2016 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 30 years, subject to the conditions appended in Annexure 'A'. The proforma particulars along with relevant documents in 4 sets are submitted herewith for kind perusal and further action.

Yours faithfully,

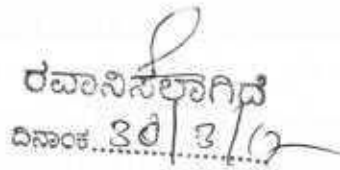

Principal Chief Conservator of Forests
(Head of Forest Force), Bangalore.

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

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

Copy to the Executive Engineer, Rural Water Supply and Sanitation Division, Chitradurga for information and necessary action.


Copy to the Assistant Executive Engineer, Rural Water Supply and Sanitation Sub Division, Hiriur for information and necessary action.


ರವಾನಿಪತ್ರಗಿದೆ
ದಿನಾಂಕ 30/3/12

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 30 (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 should be resumed to the Forest Department.
5. In case any violation 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.
6. No residential buildings shall be permitted in the proposed forest area.
7. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
8. 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.
9. Production of requisite Certificate issued by the Deputy Commissioner, Chitradurga 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-I/II for compliance under Recognition of Forests Rights (RoFR) Act 2006
10. The User Agency shall ensure that there should be no damage to the available fauna and other flora.
11. Demarcation of the proposed forest area shall be carried out by erecting cement concrete pillars duly numbered at an interval of 20 mts. at the cost of user agency.
12. The User Agency should take soil erosion controlling measures, in accordance with the plan prepared by the concerned DCFs wherever feasible.
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 such improvement of drinking water supply 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 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), Bangalore

PART – IV

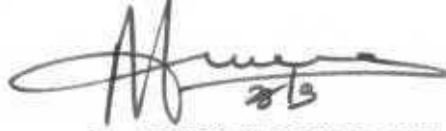
(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

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 0.8084 ha. of forest land in Sy.No. 16 & 17 of Lakkihally Village in Chitradurga Forest Division & District to providing Water Supply Scheme to Imanagala and other 37 Village in Hiriyur Taluk for construction of WTP, Water Storage Tank, Sump and Pipeline in favour of the Assistant Executive Engineer, Rural Water Supply & Sanitation, Sub Division, Hiriyur Proposal No. FP/KA/WATER/ 19212/2016.

Signature:




Name:
Designation:

**P. ANUR REDDY, IFS.,
Nodal Officer &
Additional Principal Chief Conservator of Forests
(Forest Conservation) Bangalore.**

(Official Seal):

Countersigned by :

Name:
Designation:


**.SURESH, R.S., IFS.,
Principal Chief Conservator of Forests
(Head of Forest Force) Bangalore.**

(Official Seal):

N.D.O. No: 46/2016-17.

Date: 30-03-2017.

