

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)



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E-file No. KFD/HOFF/A52K(GFL)/3/2021-FC-KFD
Encl: 3 sets of proposal hard copies

E-613737
Date 28-03-2021
31

To,

The Additional Chief Secretary to Government
Forest, Ecology and Environment Department
M.S. Building, Dr. Ambedkar Veedhi, Bengaluru – 560 001

Sir,

Sub: Diversion of 0.13 ha of forest land in 9 Villages Gadag District (Gadag Forest Division) for construction of Over Head Water Storage/Ground level storage Tank at village level and providing distributed piped connection for potable drinking water for various villages through Dbot Package-2 Of Multi Village Scheme Implementation Under Jal Jeevan Mission in favour of Zilla Panchayat, Gadag
Proposal No. FP/KA/WATER/149106/2021

Ref:

1. Online proposal [FORM-A PART-I] dated 16-12-2021 (resubmitted) of the Executive Engineer Rural Drinking Water Supply Sanitation Division office, Gadag.
2. This office online communication dated 02-02-2022 to Deputy Conservator of Forests, Gadag Division for further processing of the proposal
3. Online submission of PART-II by Deputy Conservator of Forests, Gadag Division on 05-02-2022 [Letter No. A4/GFL/WS EE GDG/0.13 Ha/CR-36/2021-22/FC/1754 dated 05-02-2022]
4. Online submission of PART-III by Chief Conservator of Forests, Dharwad Circle on 22-02-2022 [Letter No. A1/GFL/FC/Binkadakatti/OHT/CR-3/2021-22/3019 dated 25-02-2022]

1. The Executive Engineer, Ruaral Drinking Water Supply Sanitation Division office, Industrial Estate, Hubli Road, Gadag District as authorized Applicant [USER AGENCY] has (re)submitted an online proposal [FORM-A PART-I] vide Ref (1) on 16-12-2021 seeking approval under the Forest (Conservation)

Act, 1980 for diversion of 0.13 ha of forest land in 9 Villages Gadag District (Gadag Forest Division) for construction of Over Head Water Storage/Ground level storage Tank at village level and providing distributed piped connection for potable drinking water for various villages through DBOT Package-2 Of Multi Village Scheme Implementation Under Jal Jeevan Mission. The same was accepted by Nodal Officer (FCA) on 31-12-2021 for further processing. After receiving the Acknowledgement online on 01-02-2022 for having delivered the hard copies of the proposal by the User Agency to the jurisdictional Deputy Conservators of Forests & Deputy Commissioners, the online link was forwarded by this office vide Ref (2) to the Deputy Conservator of Forests, Gadag Division for field verification and further processing under Section 2 of the Forest (Conservation) Act, 1980.

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

District & Taluk	Village	Sy No.	Forest Land proposed for diversion (ha)	Status of Land
Gadag Taluk & District	Binkadakatti	61	0.01	Reserved Forests
Mundaragi Taluk, Gadag District	Shingatarayankeri	90	0.03	
Lakshmishwar Taluk, Gadag District	Adrahalli	25	0.01	
Shirahatti Taluk, Gadag District	Hosur	7	0.02	
	Kadkol	220 & 229	0.01	
	M hosalli	135	0.01	
	Kerihalli	25	0.01	
	Machenhalli	19A	0.02	
	Kuslapur	72	0.01	
Total			0.13	

- 3. DCF, Gadag Division Report:** The Deputy Conservator of Forests Gadag Division has inspected the spot on 01-02-2022 and has submitted the Site Inspection Report, the details of the area along with the recommendation in the form of PART-II of the proposal vide Ref (3) to Chief Conservator of Forests, Dharwad Circle. Main features of the proposal based on the DCF Gadag Report

r/w the report of the CCF, Dharwad Circle and that of the ICT Centre of Forest Department are as follows.

- a. The forest land proposed for diversion is in general landscape of Eco-Class-IV (Tropical Thorn Forests) with open forest (0.2 canopy density).
 - b. The forest land proposed for diversion is falling within the proposed Eco Sensitive Zone of Kappathagudda Wildlife Sanctuary, has no direct effect on the wildlife as it is just beside the already existing settlements and on the periphery of the forest boundaries. The pipeline once laid in the forest land, the land can be restored to its original state.
 - c. As per Item 4 (ii) of PART-II, there are no trees to be felled on the forest land proposed for diversion.
 - d. Major wild animals present in and around the project area include the Spotted deer, black buck, barking deer, Wolves, Striped hyenas, porcupine, fox, four horned antelope, leopard etc. *[Note: The entry made in Item 8(i) and (v) may be read accordingly.]*
 - e. There are rare / endangered / unique species of flora and fauna reported around the forest area proposed for diversion.
 - f. As per the DCF, Gadag site inspection report, F.Sy no-135, 220 & 229 of Kadakol and F.Sy no-72 of Kusalapur falls within the Kapattgudda Wildlife Sanctuary. F.Sy. No-19A of Machenahalli and F.sy. No-25 of Sevanagar (Kerehalli) villages of Shirahatti Taluk, F.Sy. No-90 of Shivajinagar (Singtarayankere) village of Mundargi Taluk falls within the proposed Eco Sensitive Zone of Kappathagudda Wildlife Sanctuary. The remaining three locations viz. Binkadakatti village F.Sy. No-61 of Gadag Taluk, Adaralli village F.Sy. No-25 of Laxmeshwar Taluk and Hosur F.Sy. No-7 of Shirahatti Taluk fall neither in the Wildlife Sanctuary nor in the proposed Eco Sensitive Zone. However, the project if implemented in these areas has no direct effect on the wildlife.
 - g. There are no Protected/ Archeological/ Heritage Sites/ Defence establishments located in the proposed area.
 - h. The forest area proposed for diversion is the bare minimum and unavoidable.
 - i. There is no violation reported under Forest (Conservation) Act, 1980.
4. **CCF, Dharwad Circle Report:** The Chief Conservator of Forests, Dharwad Circle agreeing with the recommendation made by the Deputy Conservator of Forests, Gadag Division, the Chief Conservator of Forests, Dharwad Circle has also recommended 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 to pay the charges towards Net Present Value (NPV) of the forest land proposed for diversion.**
6. **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 19-04-2021 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.**
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-II (for Non-linear / Hybrid 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.**

In the proposed proposal for diversion, F.Sy no-135, 220 & 229 of Kadakol and F.Sy no-72 of Kusalapur falls within the Kapattgudda Wildlife Sanctuary for which **the User Agency need to obtain the Wildlife Clearance from National Board for Wildlife.**

Further, F.Sy. No-19A of Machenahalli and F.sy. No-25 of Sevanagar (Kerehalli) villages of Shirahatti Taluk, F.Sy. No-90 of Shivajinagar (Singtarayankere) village of Mundargi Taluk falls within the proposed Eco Sensitive Zone of Kappathagudda Wildlife Sanctuary. The said project is for supply of drinking water scheme to villages under Jal Jeevan Mission which is directly benefitting to the

local people. The drinking water supply scheme is not mentioned in the list of Prohibited / Regulated / Permitted activities in Annexure-1 of Eco-Sensitive Zone guidelines. Hence, it is presumed that, this activity is outside the preview of Eco Sensitive Zone regulations. This project may consider for the forest clearance under Forest (Conservation) Act, 1980.

Under the above circumstances and agreeing with recommendation of the field officers, **it is requested to consider moving to Government of India seeking 'in-principle' (Stage-I) approval under Forest (Conservation) Act, 1980 for diversion of 0.13 ha of forest land in 9 Villages Gadag District (Gadag Forest Division) for construction of Over Head Water Storage/Ground level storage Tank at village level and providing distributed piped connection for potable drinking water for various villages through DBOT Package-2 of Multi Village Scheme Implementation Under Jal Jeevan Mission in favour of Zilla Panchayat, Gadag for a period of Thirty (30) years and subject to the production of RoFR certificate in FORM-II 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 and also subject to 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.

Yours Faithfully

(Sanjay Mohan IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Chief Conservator of Forests, Dharwad Circle Dharwad for information.
2. Deputy Conservator of Forests, Gadag Division, Gadag for information
3. The Executive Engineer, Rural Drinking Water Supply Sanitation Division office, Industrial Estate, Hubli Road, Gadag- 582 103 for information and further action **to obtain and produce the RoFR Certificate in FORM-II (for Non-linear / Hybrid projects) 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.**

ANNEXURE 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be the forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), 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. 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.
7. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
8. No crushing / breaking of stones or labour camp shall be allowed inside forest area and all waste / debris generated shall be scientifically disposed off outside the forest area.
9. Any damage to forest area because of implementation of the project 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.
10. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
11. No change in Land Use Plan shall be done unless prior approval of Government of India under FC Act is obtained.
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 and/or 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.


(Sanjai Mohan 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 0.13 ha of forest land in 9 Villages Gadag District (Gadag Forest Division) for construction of Over Head Water Storage/Ground level storage Tank at village level and providing distributed piped connection for potable drinking water for various villages through Dbot Package-2 Of Multi Village Scheme Implementation Under Jal Jeevan Mission in favour of Zilla Panchayat, Gadag for a period of Thirty (30) years and subject to the production of RoFR certificate in FORM-II 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 and also subject to conditions appended in Annexure 'A'.</p> <p>Proposal No. FP/KA/WATER/149106/2021</p>
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Signature:



Name:

(RAJIV RANJAN, IFS)

Designation:

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

Signature:



Name:

(SANJAI MOHAN, IFS)

Designation:

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

N.D.O. No. **63** /2021-22

(Official Seal)

Dated **31** /03/2022

