



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
समन्वित क्षेत्रीय कार्यालय
INTEGRATED REGIONAL OFFICE
Kendriya Sadan, IVth Floor, E& F Wings, 17th Main Road,
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BY SPEED POST
F.No.4-KRB1302/2021-BAN 274
Dated the 19th July, 2021

To

The Additional Chief Secretary to Government of Karnataka,
Forest, Ecology & Environment Department,
M.S. Building, Dr. Ambedkar Veedhi,
Bangalore - 560 001.

Subject: Diversion of 2.354 ha of forest land in F.Sy.No. 91, 126, 127, 153 of Varaha and Sy.No. 291 of Nagavandha villages in Haveri Division, Haveri District and F.Sy. No.59 of Adaganti village, Udagani Hobli and F.Sy.No 32 of Kaginele village, Hosuru Hobli of Shikaripur Taluk, Shivamogga Division, Shivamogga District for the construction of Rising Main, gravity feeder and delivery chamber in favour Executive Engineer, Dandavathi Resevior Project Division, M/s. Karnataka Neeravari Nigam Ltd, Shikaripur -reg.

Sir,

I am directed to refer to the State Government's letter No. FEE 45 FLL 2021 (e) dated 05/07/2021 seeking prior approval of the Central Government under Section'2' of the Forest (Conservation) Act, 1980 for the above project.

After careful examination of the proposal of the State Government, **in-principle approval /Stage-I clearance** of the Central Government is hereby granted for diversion of 2.354 ha of forest land in F.Sy.No. 91, 126, 127, 153 of Varaha and Sy.No. 291 of Nagavandha villages in Haveri Division, Haveri District and F.Sy. No.59 of Adaganti village, Udagani Hobli and F.Sy.No 32 of Kaginele village, Hosuru Hobli of Shikaripur Taluk, Shivamogga Division, Shivamogga District for the construction of Rising Main, gravity feeder and delivery chamber in favour Executive Engineer, Dandavathi Resevior Project Division, M/s. Karnataka Neeravari Nigam Ltd, Shikaripur, subject to the following conditions:-

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

1. The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02. 2009. The requisite funds shall be transferred through online portal into CAMPA account of the State Concerned.

2. The identified non-forest land of 2.354 ha. in Sy.No. 63, Hariharapura village, Kasaba Hobli, Shikaripur Taluk, Shimoga District for raising Compensatory Afforestation shall be transferred and mutated in the name of forest department and notified as RF/PF prior to Stage II approval.
3. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme may include demarcation of non forest land using chain link fencing with provision for watering and SMC works and appropriate provision for anticipated cost increase for works scheduled for subsequent years.
4. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
5. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
6. The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in it's letter No. 11-9/1998-FC dated 3rd August 2009 read with 05.07.2013 with necessary enclosures, in support thereof
7. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates.
8. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;

B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of the diverted forest land shall remain unchanged.
2. Compensatory Afforestation shall be raised over equal identified non-forest land (NFL) land within three years from the date of Stage –II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare shall be planted over identified non- forest land within three years of grant of final approval. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in degraded forest area as per prescriptions of approved working plan with provision for subsequent maintenance of ten years.
3. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so

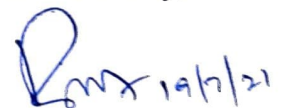
determined, as per the final decision of the Hon'ble Supreme Court of India.

4. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
5. No labour camp shall be established on the forest land.
6. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
7. The forest land shall not be used for any purpose other than that specified in the project proposal.
8. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.
9. No damage to the flora and fauna of the adjoining area shall be caused.
10. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
11. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.
12. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government and Integrated Regional Office, Bangalore by the end of March every year; and
13. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Further, it may also be note that this in-principle approval shall be valid for a period of 5 years from the date of issue of this letter. In the event of non-compliance of the above conditions, this in-principle approval shall be revoked after 5 years.

Yours faithfully,



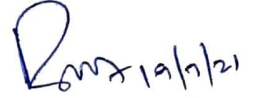
(B.N. Anjan Kumar)

Assistant Inspector General of Forests (Central)



Copy to:-

1. The Principal Chief Conservator of Forests (HoFF), Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore – 560 003.
2. The Principal Chief Conservator of Forests (FC) /Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore – 560 003.
3. The Executive Engineer, M/s. Karnataka Neeravari Nigam Ltd, 4th Floor, Coffee Board Buidling, Dr. Ambedkar Veedhi, Bengaluru -560 001.
4. The Executive Engineer, M/s. Karnataka Neeravari Nigam Ltd, Dandavathi Reservoir Project Division, M/s. Karnataka Neeravari Nigam Ltd, Shikaripur, Shimoga -577 427.
5. Guard file.



(B.N. Anjan Kumar)

Assistant Inspector General of Forests (Central)

