

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 ಅಡ್ಡರಸ್ತೆ
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61C E-office File No. KFD/HoFF/A5-4(GFL)/91/2019-FC

E-163361

Date 15-02-2021

To,

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

Sir,

Sub: Diversion of 0.86 hectare of forest land in Alkod village Sy No. 85, Arakera Hobli, Devadurga Taluk, Raichur District for construction of canal (gravity) for filling Narabanda Tank of Manvi from Arakera Branch Canal of NRBC D-9(A) in favour of the Executive Engineer, Krishna Bhagya Jala Nigama Limited (KBJNL) Division No. 4, Chikkahonnakuni, Devadurga Taluk, Raichur District

Proposal No: FP/KA/IRRIG/42519/2019

- Ref:** 1. This office online communication dated 08-06-2020 to Deputy Conservators of Forests, Raichur Division for further processing and dated 08-09-2020[*Stage-I proposal*]
2. Government of Karnataka letter No. FEE/64/FLL/2020 dated 30-09-2020 [*seeking Essential Details*]

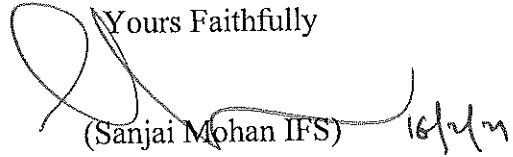
With reference to above proposal seeking Stage-I approval under Forest (Conservation) Act, 1980 submitted by this office vide Ref (1) letter dated 08-09-2020 and further by the Government of Karnataka vide Ref (2) letter dated 23-03-2020 has sought Clarification regarding above said proposal that why it has been recommended for Government of India instead of State Government for General Approval for accordance of Stage-I approval as the above proposal is having less than 1 Ha extent and also involves less than 50 trees for cutting.

In view of the above, the query was verified by this office and it is learnt that the User Agency i.e., KBJNL being Major Irrigation projects implementing agency, has applied for FC clearance for the purpose of Irrigation as per category of proposal in Item A-1(v). (*General approval is given for drinking water and Minor Irrigation canals only*) However, in the justification submitted by the User Agency, it is found

that the purpose of FC clearance is for drinking water. Hence this office had recommended for submission to Government of India instead of General Approval by State Government for accordance of Stage-I approval.

However, considering it as a drinking water project, revised proposal [APPENDIX] recommending the Government of Karnataka for accordance of in-principle Stage-I General approval is submitted herewith for further action. The Timeline of the proposal taken from FC web portal is also enclosed herewith for reference.

Yours Faithfully



(Sanjai Mohan IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:-

1. Chief Conservator of Forests, Kalaburgi Circle, Kalaburgi for information.
2. Deputy Conservator of Forests, Raichur Division, Raichur for information.
3. Executive Engineer, Krishna Bhagya Jala Nigama Limited (KBJNL) Division No. 4, Chikkahonnakuni, Devadurga Taluk, Raichur District - 584 111 for information and **with a request to obtain and submit the RoFR Compliance Certificate in FORM-I from jurisdictional Deputy Commissioner as mentioned above at the earliest.**

APPENDIX

REVISED PROPOSAL Seeking Stage –I Approval under Section 2 of the Forest (Conservation) Act, 1980

(After Government of Karnataka seeking clarification dated 30-09-2020)

Sub: Diversion of 0.86 hectare of forest land in Alkod village Sy No. 85, Arakera Hobli, Devadurga Taluk, Raichur District for construction of canal (gravity) for filling Narabanda Tank of Manvi from Arakera Branch Canal of NRBC D-9(A) in favour of the Executive Engineer, Krishna Bhagya Jala Nigama Limited (KBJNL) Division No. 4, Chikkahonnakuni, Devadurga Taluk, Raichur District

Proposal No: FP/KA/42519/2019

- Ref:**
1. Online Proposal [FORM-A PART-I] dated 22-04-2020 (re-submitted) of the Executive Engineer, Krishna Bhagya Jala Nigama Limited (KBJNL) Division No. 4, Chikkahonnakuni, Devadurga Taluk, Raichur District *(Authorised Applicant)* r/w uploading of Acknowledgement online on 06-06-2020 for having delivered hard copy of proposal to jurisdictional DCF & DC
 2. This office online communication dated 08-06-2020 to Deputy Conservators of Forests, Raichur Division for further processing
 3. Online submission of PART-II by Deputy Conservator of Forests, Raichur Division on dated 02-07-2020 [Letter No. A6/FC/Alkod/Canal/CR /2019-20 dated 02-07-2020]
 4. Online submission of PART-III by Chief Conservator of Forests, Kalaburgi Circle on 21-07-2020 [Letter No. A4/CCF/FL/Release/CR-2/2020-21/797 dated 16-07-2020]
1. The Executive Engineer, Krishna Bhagya Jala Nigama Limited (KBJNL) Division No. 4, Chikkahonnakuni, Devadurga Taluk, Raichur District [USER AGENCY] vide Ref (1) has submitted an online proposal [FORM-A PART-I] through FC Web Portal seeking approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.86 hectare of forest land in Alkod village Sy No. 85, Arakera Hobli, Devadurga Taluk, Raichur District for construction of canal (gravity) for filling Narabanda Tank of Manvi from Arakera Branch Canal of NRBC D-9(A). After acceptance of the proposal by Nodal Officer (FCA, the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Raichur Division and Deputy Commissioner, Raichur District and has uploaded the Acknowledgment on FC web portal on 06-06-2020. Accordingly, an

online communication was made by Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Raichur Division, Raichur for further processing of the proposal under FC Act.

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

District, Taluk, Hobli	Village	Sy No.	Project Component	Forest extent proposed for diversion (ha)	Legal status of land
Raichur District, Devadurga Taluk, Arakera Hobli	Alakod a	85	Water Canal [L-1075.77 m x W-8 m]	0.86	Reserved Forest*
Total				0.86	

* Government of Karnataka Notification No. FEE 102 FAF 2014 dated 10-11-2014

3. **DCF, Raichur Division Report:** The Deputy Conservator of Forests, Raichur Division, Raichur has inspected the site on 20-05-2020 and vide Ref (3) has submitted his Site Inspection Report along with recommendation in PART-II to Chief Conservator of Forests, Kalaburgi Circle. The main features of the proposal based up on the Deputy Conservator of Forests report r/w report of Chief Conservator of Forests, Kalaburgi Circle and that of ICT Centre of Forest Department are summarized below.

- The forest land proposed for diversion is water logged in some place and is not prone to soil erosion as the rainfall is low.
- The forest land proposed for diversion is in general landscape of Eco-class III (Southern Dry Deciduous Forests) with up to 10% canopy density (Open Forest).
- As per Item 4(ii) of PART-II, there are 3 trees (*Acacia nilotica*, *Leucaena leucocephala* and *Azadiractha indica*) in different girth classes on the forest land proposed for diversion.
- There are no major wild animal species reported in and around the project area.
- There are no rare / endangered / unique species of flora and fauna reported in and around the forest land proposed for diversion.
- The forest land proposed for diversion does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc.
- The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.

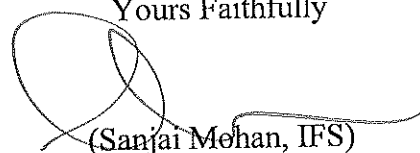
- h. There are no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc., within one kilometre of the forest land proposed for diversion.
 - i. There are no Protected/ Archaeological/ Heritage sites or Defence establishments or important monuments in the area.
 - j. There is no violation reported under the Forest (Conservation) Act, 1980.
 - k. The requirement of forest land for the project is the bare minimum and unavoidable.
4. **CCF, Kalaburgi Circle Report:** The Chief Conservator of Forests, Kalaburgi Circle has inspected the site on 14-07-2020. Agreeing with the recommendation of the Deputy Conservator of Forests, Raichur Division, the Chief Conservator of Forests, Kalaburgi Circle has also recommended the proposal. Specific comments of the Chief Conservator of Forests, Kalaburagi Circle are mentioned in PART-III of the proposal cited at Ref (4) above.
5. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land proposed for re-diversion as per Para 3.1 to 3.4 of the latest 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 dated 13-03-2020 to pay the charges towards Net Present Value (NPV) of the forest land proposed for diversion.**
6. **Compensatory Afforestation (CA):** Present proposal involves diversion of within one hectare of forest land. The latest FC Guidelines are silent on the requirement of equivalent extent of non-forest land for the FC proposals involving diversion of forest land up to one hectare. However, Para 3.2(viii) of the immediately previous FC Guidelines exempted such proposals from requirement of raising CA. Therefore, the present FC proposal may also be exempted from the requirement of raising CA. However, Para 2.6 (i) of the latest FC guidelines mentioned above mandates that the cost of plantation (including ten years maintenance) of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum number of 100 plants) shall be levied from the User Agency towards Compensatory planting. As there are 46 trees on forest land reported in Item 4(ii) of PART-II of the proposal, the User Agency will be required to pay the applicable charges in accordance with the PCCF (HoFF) O.M. KFD/HOFF/A5-3(GFL)/34/2019-FC [E-88289] dated 30-04-2020 **for any tree felling required in forest land for the purpose of execution of the project. The User Agency has submitted an Undertaking dated 13-03-2020 to pay the Compensatory Afforestation/ Plantation charges.**

7. **Status of RoFR compliance:** In order to meet the requirement of the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act, 2006 and Rules 2008 and the FC Guidelines, the User Agency has not obtained/ furnished the (copy of) requisite **RoFR Certificate in FORM-I (for Linear 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 has not submitted a copy of such certificate and is being informed once again to obtain the said certificate in prescribed format and submit a copy.**

In the light of the facts stated above, it is requested to move the proposal with the Government of Karnataka for according 'in-principle' (Stage-I) approval for diversion of 0.86 hectare of forest land in Alkod village Sy No. 85, Arakera Hobli, Devadurga Taluk, Raichur District for construction of canal (gravity) for filling Narabanda Tank of Manvi from Arakera Branch Canal of NRBC D-9(A) in favour of the Executive Engineer, Krishna Bhagya Jala Nigama Limited (KBJNL) Division No. 4, Chikkahonnakuni, Devadurga Taluk, Raichur District for a period of 20 years subject to submission of RoFR Compliance Certificate in FORM-I (for Linear Projects) and further subject to the conditions appended in Annexure 'A'.

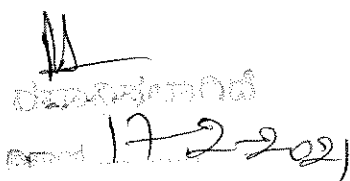
The hard copy of the proposal along with the relevant documents in 3 sets is submitted herewith for further needful. The present status of the proposal obtained from the web-portal is also appended for necessary action.

Yours Faithfully



(Sanjai Mohan, IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)



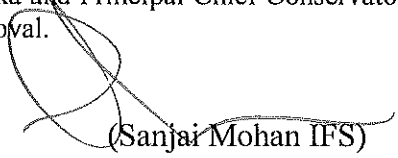
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4. Chief Conservator of Forests, Kalaburgi Circle, Kalaburgi for information.
5. Deputy Conservator of Forests, Raichur Division, Raichur for information.
6. Executive Engineer, Krishna Bhagya Jala Nigama Limited (KBJNL) Division No. 4, Chikkahonnakuni, Devadurga Taluk, Raichur District - 584 111 for information and with a request to obtain and submit the RoFR Compliance Certificate in FORM-I from jurisdictional Deputy Commissioner as mentioned above 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 forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), Compensatory, Plantation cost of extraction of trees, 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 Lessee shall provide signages in appropriate dimensions and nature on both sides of the canal within forest limits for sensitisation of general public towards the forest, wildlife and environmental issues in consultation with the jurisdictional Deputy Conservator of Forests.
6. The leased out area should be used for the purpose for which it is granted i.e., for drinking water purpose. 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.
7. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
8. 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.
9. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
10. No crushing / breaking of stones or labour camp shall be allowed on forest land and all waste / debris generated shall be scientifically disposed off outside the forest area.
11. Any damage to forest area because of implementation of the proposal 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.
12. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
13. 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 / Deputy Conservator of Forests concerned are authorized to take necessary action in this regard.
14. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
15. 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 moving the proposal with the Government of Karnataka for according 'in-principle' (Stage-I) approval for diversion of 0.86 hectare of forest land in Alkod village Sy No. 85, Arakera Hobli, Devadurga Taluk, Raichur District for construction of canal (gravity) for filling Narabanda Tank of Manvi from Arakera Branch Canal of NRBC D-9(A) in favour of the Executive Engineer, Krishna Bhagya Jala Nigama Limited (KBJNL) Division No. 4, Chikkahonnakuni, Devadurga Taluk, Raichur District for a period of 20 years subject to submission of RoFR Compliance Certificate in FORM-I (for Linear Projects) and further subject to the conditions appended in Annexure 'A'.</p> <p>[Proposal No. FP/KA/IRRIG/42519/2019]</p>
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Signature:


(RAJIV RANJAN IFS)

Name:

Designation:

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

(Official Seal)

Countersigned by :

Name:

Designation:


(SANJAI MOHAN IFS)

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

(Official Seal)

N.D.O. No: 62/2020-21

Date: 17-02-2021

