



# ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು  
ಬಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

|        |   |          |
|--------|---|----------|
| ಭಾಗ-I  | ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ಅಕ್ಟೋಬರ್ ೩, ೨೦೧೬ (ಆಶ್ವಯುಜ ೧೧, ಶಕ ವರ್ಷ ೧೯೩೮)         | ನಂ. ೧೧೪೮ |
| Part-I | Bengaluru, Monday, October 3, 2016 (Aashwayuja 11, Shaka Varsha 1938) | No. 1148 |

## FOREST, ECOLOGY AND ENVIRONMENT SECRETARIAT Proceedings of the Government of Karnataka

**Subject:** Diversion of 13.93 ha. of forest land in various forest areas of Sakaleshpura taluk in Hassan district for implementation of Yettinahole project in favour of the Executive Engineer, Karnataka Niravari Nigam Limited(KNNL) Yettinahole Project Division No-1, Sakaleshpura, Hassan District for providing drinking water supply to the drought prone areas of Kolar, Chikkaballapura, Ramanagara, Bangalore rural districts, Devanahalli industrial area and part of Hassan District-reg.

**Read:**

1. Principal Chief Conservator of Forests (Head of Forest Force), Bangalore Letter No. A5(2).GFL.CR.15/ 2013-14, dt. 22-07-2015.
2. Government of Karnataka Letter No. FEE 136 FLL 2014, dt. 19-08-2015.
3. Government of India, M/o Environment and Forests and Climate Change Letter No. 4-KRC 1064/2015/BAN/7829,
4. dt. 06-01-2016.
5. Principal Chief Conservator of Forests (Head of Forest Force), Bangalore Letter No. A5(2).GFL.CR.15/2013-14, dt. 27-07-2016.
6. Government of Karnataka Letter No. FEE 136 FLL 2014, dt. 01-08-2016.
7. Government of India, M/o Environment and Forests and Climate Change Letter No. F.No.4-KRC 1064/2015/BAN/791, dt. 15-09-2016.

**Preamble :**

The Principal Chief Conservator of Forests (Head of Forest Force), Bangalore vide their letter read at (1) above had submitted a proposal for diversion of 13.93 ha. of forest land in various forest areas of Sakaleshpura taluk in Hassan district for implementation of Yettinahole project in favour of the Executive Engineer, Karnataka Niravari Nigam Limited(KNNL) Yettinahole Project Division No-1, Sakaleshpura, Hassan District for providing drinking water supply to the drought prone areas of Kolar, Chikkaballapura, Ramanagara, Bangalore rural districts, Devanahalli industrial area and part of Hassan District subject to certain conditions.

After verification and examination, the proposal was recommended by Government of Karnataka and forwarded to Government of India to accord sanction u/s 2 of the Forest (Conservation) Act, 1980 vide Government letter read at (2) above.

The Govt. of India, Ministry of Environment and Forests and Climate Change, Regional Office (Southern Zone), Bangalore vide its letter read at (3) above have accorded its in-principle (Stage-1) approval for the proposal subject to fulfillment of certain conditions and the same was communicated to the Principal Chief Conservator of Forests (Head of Forest Force), Bangalore with a direction to submit compliance report on fulfillment of conditions.

The Principal Chief Conservator of Forests (Head of Forest Force), Bangalore vide their letter read at (4) above had furnished the compliance report and the same was forwarded to Govt of India



vide letter read at (5) and requested to obtain final approval of Government of India u/s 2 of the Forest (Conservation) Act, 1980.

The Government of India, Ministry of Environment and Forests & Climate Change, Regional Office (Southern Zone), Bangalore vide its letter read at (6) above have accorded and communicated its final approval (Stage-II) for the proposal u/s 2 of the Forest (Conservation) Act, 1980 subject to certain conditions.

The proposal has been examined in detail and hence the order.

**Government Order No. FEE 136 FLL 2014, Bengaluru, Dated: 21/09/2016.**

In the circumstances as explained in the preamble above, Government is pleased to accord approval u/s 2 of Forest (Conservation) Act, 1980 for diversion of 13.93 ha. of forest land in various forest areas of Sakaleshpura taluk in Hassan district for implementation of Yettinahole project in favour of the Executive Engineer, Karnataka Niravari Nigam Limited(KNNL) Yettinahole Project Division No-1, Sakaleshpura, Hassan District for providing drinking water supply to the drought prone areas of Kolar, Chikkaballapura, Ramanagara, Bangalore rural districts, Devanahalli industrial area and part of Hassan District subject to following conditions.

- 1) The legal status of forest land shall remain unchanged and it will continue to be as forest land.
- 2) 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, before Stage-II clearance.
- 3) The cost of raising Compensatory Afforestation over 13.93 ha. of non - forest land shall be deposited by the user agency.
- 4) Forest Department will realise the cost of raising Penal Compensatory Afforestation on 40 ha. of dumping area on either side of the raising main, both in the forest as well as non-forest area, which will be available on implementation of the project.
- 5) The State Government shall charge the Net Present Value of the forest land proposed for diversion of 13.93 ha. from the user as per the orders of the Hon'ble Supreme court dated 28-03-2008 and 09-05-2008 in IA Nos.826 in 566 with related IA's in Writ Petition (Civil) No.202/1995.
- 6) Additional amount of the Net Present Value (NPV) of the diverted forest land if any becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- 7) The User Agency, shall make online payment of the cost of CA, Penal CA and NPV with Adhoc- CAMPA through e-payment module of forest clearance portal- forest clearance.nic.in.
- 8) User Agency shall provide an undertaking on commencing the pumping operation from 15<sup>th</sup> June for facilitating ecological flow in the streams for free movement of aquatic fauna during the beginning of the monsoon and closing the pumping operation by October 31<sup>st</sup>.
- 9) An undertaking from user Agency for maintaining minimum continuous daily average flow of 15 cusecs from all the weirs be ensured during non-flooding days by adjusting the pumping capacity.
- 10) Flow of water through the weirs and quantity of water pumped out from each weir be continuously measured for a period of 2 years from the date of commissioning of the project. Conditions on maintaining the flow and drawal of water in the streams may be revisited after analyzing the data.
- 11) A study on ecological impact of the project on the downstream ecosystem may be initiated through a reputed scientific institution simultaneously, so as to make any course correction on the conditions to be imposed, in future.
- 12) No trees standing on the forest land earmarked for dumping shall be cut.
- 13) The User Agency shall give an undertaking to plant up the land below the power line and along the rising main pipe with soil binding grass with necessary civil structures for the entire length of 78 kms. to protect from soil erosion, at the project cost.
- 14) An undertaking be given by the User Agency, for planting a minimum of 10,000 plants of tree species which are helpful to bird & bee population as per the advice of the Forest Department all along the pipeline and service road.



- 15) While executing the project in forest area, the movement of men, vehicles and machinery should be limited to day-time and night camping in forest based worksites should not be permitted. Care should be taken against igniting and spread of fire to the forest vegetation in the project area.
- 16) The project construction works in forest area should be carried out between sunrise and sunset only.
- 17) Blasting works Inside forests should be limited to the barest minimum and carried out only during daytime.
- 18) No collection of sand from streambeds inside the forests for construction work shall be permitted.
- 19) Water flow should be ensured downstream of all the weir locations during the period of water harvesting from June to October. Beyond this period the natural flows remain undisturbed as no water is to be pumped out.
- 20) During execution of project elements, for practical reasons, if such project elements become obstructive to the movement of animals, appropriate passage structure should be provided.
- 21) The power lines in the entire project area should be drawn as per the guidelines for drawing power lines in elephant habitats issued by the Ministry of Environment, Forests and Climate Change and other statutory authorities. Minimum height at the null point must be maintained according to these statutory provisions and court orders.
- 22) Automatic weather stations linked to the ICT Centre of the Karnataka Forest Department at Bangalore may be established by the user agency at their cost at different locations preferably near existing facilities such as Protection Camps.
- 23) In order to benchmark the present status of ecology in the project area and particularly at the project work-sites survey and videography based study may be instituted at the cost of user agency. This will facilitate monitoring of project sites and decision making in future.
- 24) Study proposed at condition No.(11) shall also include periodic assessment of cumulative Impact of multiple projects in a forested landscape by the regulatory authority. It allows an adaptive management in the landscape and an opportunity to evaluate and re-align the mitigation strategies
- 25) In view of the mitigation measures suggested, a mitigation plan for minimizing the impact of project on Eco-system. wildlife and its habitat should be prepared by the user agency with the help of scientific institutions having expertise in the matter. Such mitigation plan should be got approved by competent authority In the Forest Department within one year from the date of Stage-II approval to be implemented and enforced through the Forest Department.
- 26) The project authorities are also required to obtain all necessary approvals required under the law governing the project
- 27) The total forest area utilized for the project shall not exceed 13.93 ha.
- 28) The State Government will constitute a committee headed by an officer, not below the rank of Chief Secretary to Government for monitoring the compliance of conditions Imposed in this clearance. This Committee shall also ensure that drinking and Irrigation water requirement of the downstream population is not affected due to this diversion of water from the Netravathi river basin.
- 29) The compensatory afforestation (CA) shall be raised over 13.93 ha. in Sy.No.343 of Varavu Kaval village, Nayakanahatti Hobli, Challakere Taluk, Chitradurga District at the cost of user agency. The State Government shall obtain prior permission of Central Government for any change of Compensatory Afforestation site.
- 30) The Non-forest land for compensatory afforestation shall be notified by the State Government as RF/PF under Indian Forest Act, 1927 or the State Forest Act within a period of 6 months and Nodal Officer(FCA) shall report the compliance within 6 months.
- 31) The Penal Compensatory Afforestation(PCA) shall be raised over 40 ha. of dumping area on either side of the raising main, both in forest as well as in the non-forest area, after the implementation of the project.
- 32) Handing and taking over of land and commencement of work in the land shall be done within a period of two year from the date of issue of Stage-II approval. The forest land shall be used only for the purpose for which it is diverted.



- 33) The GPS readings and location maps of the forest land diverted shall be communicated to Govt. of India, M/o Environment and Forests, Regional Office (Southern Zone), Kendriya Sadan, 4<sup>th</sup> Floor, E and F Wings, 17<sup>th</sup> Main Road, 2<sup>nd</sup> Block, Koramangala, Bangalore-560 034 within 30 days of transfer of the forest land.
- 34) Any other condition that the Additional Principal Chief Conservator of Forests(Central), Regional Office, Bangalore may impose from time to time for protection, improvement of flora and fauna in the forest area and public convenience, shall also be applicable.
- 35) Violation of any of the conditions shall invite penal action, as deemed fit by the Additional Principal Chief Conservator of Forests (Central), Regional Office, Bangalore.
- 36) The lessee shall pay lease rent as fixed by the Government from time to time.
- 37) The lease tenure is for a period of 30 (thirty) years.
- 38) 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 Dept. u/s 82 of Karnataka Forest Act, 1963. The concerned Chief Conservator of Forests/Deputy Conservator of Forests is authorized to take necessary action in this regard.
- 39) No residential building shall be permitted in the proposed forest area.
- 40) The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
- 41) Compensatory Afforestation shall be raised at the cost of user agency over matching non forest area being diverted at the rate prevailing at the time of approval (at present it is Rs. 2,34,000/- per ha.). Avenue Plantation shall be taken up by user agency along the road on either side (200 plants per km), at the project cost. The plantation shall be maintained at the project cost for 7 years.
- 42) 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 09-05-2008 of the Hon'ble Supreme Court of India.
- 43) The user agency shall ensure that there should be no damage to the available fauna and other flora.
- 44) The user agency should pay cost of towards felling/extraction and transportation of trees for execution of the project in accordance with the estimate prepared by the Deputy Conservator of Forests, Hassan Division.
- 45) No crushing/breaking of stones shall be allowed inside forest area. Readymade material shall be used for used for the.
- 46) No labour camp shall be established on the forest land.
- 47) All waste/debris generated shall be scientifically disposed off outside the forest area.
- 48) All precautions shall be taken to ensure fire protection to the forest when the road is being land.
- 49) No work shall be allowed after sunset.
- 50) Any damage to forest area due to such development works shall be compensated by the user agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
- 51) The user agency shall not sub-lease, mortgage or hypothecate the forest area.
- 52) The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment(Protection) Act, 1986, if required.
- 53) The user agency shall abide by all the conditions imposed upon by the Government of India, the Government of Karnataka and the Principal Chief Conservator of Forests(Head of Forest Force).

By order and in the name of the Governor of Karnataka,

**L.SHARADA**

Under Secretary to Govt.,  
Forest, Ecology and Environment Dept.