

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)



ಅರಣ್ಯಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,
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No. A5(2)K.GFL.CR-06/2017-18

Date: 29.12.2018

E-office File No. KFD/(HOFF)/A52K(GFL)/29/2018-FC-KFD

E-64621

To,

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

Sir,

Sub: Diversion of 0.4858 hectare (1-08-05 acre) of forest land in F. Sy No. 108A1 of Kodibag village, Bada Hobbli, Karwar taluk, Uttara Kannada District for already established (prior to FCA lease) Fish Canning Factory and allied Fisheries Industry activities such as Ice Plants, Cold Storage and Quick Freezing Plant in favour of M/s Coronet Canning Company, Malpe, Udupi District.

Proposal No.: FP/KA/Others/32508/2018

- Ref:** 1. Online FC application dated 08.09.2018 (resubmitted) of M/s. Coronet Canning Company, Karwar and uploading of Acknowledgement online on 12.10.2018 for having delivered the hard copies of proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner.
2. This office online communication dated 31.10.2018 to Deputy Conservator of Forests, Karwar Division to process the proposal.
3. Online submission of PART-II on 20.11.2018 by Deputy Conservator of Forests, Karwar Division, to the Chief Conservator of Forests, Kanara Circle.
4. Online submission of PART-III on 14.12.2018 by the Chief Conservator of Forests, Kanara Circle [Letter No. B2/GFL/CR- 19/2018-19/2075 dated 13.12.2018].

1. The Government of Karnataka vide Order No. AFD 31 FGN 62 Dated 04-08-1962 had released on lease basis an extent of one acre of forest land initially for a period of five (5) years. The lease period was subsequently extended vide Government Order No. AFD 139 FGL 68 Dated 05-06-1968 for a period of fifty (50) years. The User Agency has submitted the copy of the Agreement dated 26-06-1968 based on the aforesaid GO. Subsequently, an additional 00-08-05 Acre of forest land was released (reportedly) vide GO No. AFD 436 FGL 69 Dated 17-11-1969. Though copy of this GO is not available, but the User Agency has enclosed the copy of the Agreement dated 16-07-1970 based on this subsequent GO. Accompaniment to this GO has 0-8-5 mentioned on it, in hand, thus

making the total extent as 1-08-05 acre or 0.4858 hectare. As per the Lease Agreement, the lease of the forest land has commenced on 04-01-1968 and expires on 03-01-2018.

2. M/s Coronet Canning Company, Malpe Madhwaraj Road, Malpe, Udupi District [User Agency] vide Ref (1) dated 30.04.2018 has submitted a proposal through FC web portal for diversion of 0.4858 hectare of forest land in F.Sy No. 108A1 of Kodibag village, Bada Hobbli, Karwar taluk, Uttara Kannada District for already established (*prior to FCA lease*) Fish Canning Factory and allied Fisheries Industry activities such as Ice Plants, Cold Storage and Quick Freezing Plant seeking prior approval under Section 2 of the Forest (Conservation) Act, 1980. After uploading of the Acknowledgement online on 12.10.2018 for having delivered the hard copy of proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner, an online communication was made on 31.10.2018 by Nodal Officer vide Ref (2) to the Deputy Conservator of Forests, Karwar Division to process the proposal under FC Act and to submit the specific opinion through PART-II of the proposal.

3. **Location and component-wise extent of proposed diversion:** The details of the forest land proposed for diversion are given below:

District, Taluk, Hobli	Village	Sy No.	Project component		Extent of forest land proposed for diversion (ha)	Status of Land
Uttara Kannada District, Karwar Taluk, Bada Hobli	Kodibag	108A1	1	Electric Substation	0.0026	Reserved Forest
			2	Ice Plant & Cold Storage Unit	0.0607	
			3	Labour Room	0.00694	
			4	Office	0.00637	
			5	Road	0.0615	
			6	Toilet Room	0.00082	
			7	Vehicle & Fish Container Shed	0.0239	
			8	Open Space	0.3229	
Total					0.4858	

4. **DCF, Karwar Division Report:** The Deputy Conservator of Forests, Karwar Division has inspected the spot on 10-11-2018 and vide Ref(3) has submitted his Site Inspection Report, details of the site and recommendation in the form of PART-II of the proposal to Chief Conservator of Forests, Kanara Circle, Sirsi. Main features of the forest land proposed for diversion as follows.

- a. The forest area is in Eco-class-I (Tropical Moist Deciduous Forest) and is an open forest.

- b. There are 9 trees in 31-60 and above girth classes on the forest land proposed for diversion. Six (6) of them are *Casuarina equisetifolia* and remaining three (3) being *Albizia saman*.
 - c. The site is not vulnerable to soil erosion.
 - d. The forest area proposed for diversion does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc., and is not located within Eco-sensitive Zone (ESZ) of a Protected Area notified under the Wildlife (Protection) Act, 1972.
 - e. No rare, endangered, unique species of flora and fauna are found in the area.
 - f. There are no protected archaeological/ heritage site/ defence establishment or any other important monument located in the area.
 - g. The forest land proposed by the user agency is unavoidable and bare minimum.
 - h. There is no violation of the Forest (Conservation) Act, 1980.
5. **CCF, Kanara Circle Report:** The Chief Conservator of Forests, Kanara Circle, Sirsi has inspected the proposed area on 09.12.2018 and has submitted Site Inspection Report in PART-III online on 14.12.2018. Agreeing with the recommendation made by the Deputy Conservator of Forests, Karwar Division, the Chief Conservator of Forests, Kanara Circle has also recommended the proposal.
 6. **Net Present Value (NPV):** The proposed lease being a first time lease under FC Act, the User Agency is liable to pay the Net Present Value (NPV) of 0.4858 hectare forest land being diverted under this proposal in accordance with the orders dated 28/03/2008 and 09/05/2008 of the Hon'ble Supreme Court of India in I. A. No. 826 in I.A. 566 in WP (C) No. 202/1995 and the as per the conditions stipulated by Government of India, Ministry of Environment and Forests, New Delhi vide letter F.No. 5-3/2007-FC Dated 05-02-2009. **The User Agency has agreed to pay the charges towards Net Present Value (NPV) and has submitted an Undertaking in this regard.**
 7. **Compensatory Afforestation (CA):** The forest land proposed for diversion is a prior-to-FCA lease area under an already established private industry. The forest area proposed for diversion being less than one hectare and is governed by Para 3.2(viii)(b) of Government of India FC Guidelines, which provides exemption from raising Compensatory Afforestation (CA), however mandates planting of ten times the number of trees likely to be felled. No trees are required to be felled now, as it is an established area already. **Accordingly, there is no need to charge any amount towards Compensatory Afforestation (CA) charges in present case.**
 8. **RoFR Compliance:** With regard to compliance to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 and Rules 2008, the User Agency has not obtained and submitted the required certificate. **The User Agency is therefore required to obtain and submit the required Certificate in FORM-II issued by the Deputy Commissioner, Uttara Kannada District in accordance with the FC 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.**

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to move the proposal with the Government of India, Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Bengaluru for according in-principle' (Stage-I) approval under Forest (Conservation) Act, 1980 for diversion of 0.4858 hectare (1-08-05 acre) of forest land in F.Sy No. 108A1 of Kodibag village, Bada Hobbli, Karwar Taluk, Uttar Kannada District for already established (prior to FCA lease) of Fish Canning Factory and allied Fisheries Industry activities such as Ice Plants, Cold Storage and Quick Freezing Plant in favour of M/s.

Coronet Canning Company, Malpe, Udupi District for a period of twenty five (25) years subject of submission of RoFR Compliance certificate and other General Conditions appended in Annexure 'A'.

The proforma particulars along with the relevant documents in 3 sets are submitted herewith for kind perusal and further action.

Yours faithfully



Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to:

1. Chief Conservator of Forests, Kanara Circle, Sirsi for information.
2. Deputy Conservator of Forests Karwar Division for information. **You may provide the details of lease rent paid by the User Agency immediately.**
3. M/s Coronet Canning Company, Malpe Madhwaraj Road, Malpe - 57 6 108 (User Agency) for information and with a request to obtain and submit the RoFR Compliance certificate in FORM-II as mentioned above at the earliest.

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, other than those permitted in the approval, 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.


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>(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).</p>	<p>Recommended for diversion of 0.4858 hectare (1-08-05 acre) of forest land in F. Sy No. 108A1 of Kodibag village, Bada Hobbli, Karwar Taluk, Uttar Kannada District for already established (prior to FCA lease) Fish Canning Factory and allied Fisheries Industry activities such as Ice Plants, Cold Storage and Quick Freezing Plant in favour of M/s. Coronet Canning Company, Malpe, Udupi District for a period of twenty five (25) years subject to submission of RoFR Compliance Certificate and other General Conditions appended in Annexure 'A'. [Proposal No. FP/KA/Others/32508/2018]</p>
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Signature:

Name:


(Jagmohan Sharma, IFS)

Designation:

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

Signature:

Name:


(Punati Sridhar, IFS)

Designation:

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

N.D.O. No. 35 /2018-19

(Official Seal)

Dated 12/2018

01-01-2019