

ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ  
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ  
Office of  
Principal Chief Conservator of Forests  
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18 ನೇ ಅಡ್ಡರಸ್ತೆ,  
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560003  
Aranya Bhavan, 18th Cross,  
Malleshwaram, Bengaluru- 03  
Telephone : 080 2334 6472  
Email : apccffc@gmail.com

Old File No. A5(6). GFL.CR-9/2016-17  
E-office File No. KFD/HOFF/A5-6(GFL)/13/2019-FC  
Encl:

E-90140

Date 18-12-2020

01-01-2021

To,

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

Sir,

**Sub:** Renewal of Forest Lease of 0.4 hectare forest land in Kodamburu village Sy No. 128, Kasaba Hobli, Madikeri Taluk, Kodagu District (Madikeri Forest Division) for existing 33 KV Murnad Power Sub-Station in favour of the Executive Engineer, Chamundeshwari Electricity Supply Corporation Limited (CESC), O&M Division, Madikeri  
**Proposal No. FP/KA/Others//21113/2016[FORM-B]**

**Ref:** 1. Online proposal [FORM-B PART-I] dated 01-04-2019 (re-submitted) of Executive Engineer, Chamundeshwari Electricity Supply Corporation Limited (CESC), O&M Division, Madikeri and uploading of Acknowledgment on 25-01-2018 for having delivered the hard copies of proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner  
2. This office's online communication dated 18-05-2019 to Deputy Conservator of Forests, Madikeri Division for further processing of the proposal  
3. Online submission of PART-II on 31-08-2020 by Deputy Conservator of Forests, Madikeri Division [letter No. Land/FC/FP/KA/Others/21113/2016 dated 28-08-2020]  
4. Online submission of PART-III on 19-10-2020 by the Chief Conservator of Forests, Kodagu Circle [letter No. Bhoomi/(SL)/CR-139/(95-96)2014-15 dated 19-10-2020]

- 1. Background:** The Government of India vide letter F.No. F(C)A/11.2/73/KAR/TL/287/ dated 23-07-1996 had accorded the FC approval for the project for period of 10 years. Accordingly the Government of Karnataka vide Order No. FEE 57 FGL 96 dated 29-11-1996 had sanctioned the forest lease for a period of 10 years. Thus the FC for the project expired on 23-07-2006.
- 2. The Executive Engineer, Chamundeshwari Electricity Supply Corporation Limited (CESC), O&M Division, Madikeri [USER AGENCY] has**



(re)submitted an online proposal [**FORM-B PART-I**] vide Ref (1) on 01-04-2019 seeking approval under the Forest (Conservation) Act, 1980 for renewal of Forest Lease of 0.4 hectare forest land in Kodamburu village Sy No. 128, Kasaba Hobli, Madikeri Taluk, Kodagu District (Madikeri Forest Division) for existing 33 KV Murnad Power Sub-Station. The same was accepted by Nodal Officer (FCA) for further processing. On account of the User Agency having uploaded an irrelevant document instead of the Acknowledgment on 25-01-2018, this office could not transfer the web portal link to the jurisdictional Deputy Conservator of Forests. Only after the User Agency vide offline letter No. EEE/Mdk/AEE(O)/AET(T)/2019-20/1076 dated 17-05-2019 submitted through e-mail (and received in hard copy on 01-06-2019) the copy of the Acknowledgment for delivery of hard copy of proposal to the jurisdictional Deputy Conservator of Forests, this office vide Ref (2) on 18-05-2019 transferred the online link to the Deputy Conservator of Forests, Madikeri Division for field verification and further processing of the proposal under Section 2 of the Forest (Conservation) Act, 1980.

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

District, Taluk, Hobli	Village	Sy No.	Name of Project Component	Forest Land proposed for diversion (ha)	Legal status of Land
Kodagu District, Madikeri Taluk, Kasaba Hobli	Kodamburu	128	Sub-station (Control room, Power transformer & others)	0.40	Protected Forest
<b>Total</b>				<b>0.40</b>	

**4. DCF, Madikeri Division Report:** The Deputy Conservator of Forests Madikeri Division has inspected the spot on 31-07-2020 and has submitted the Site Inspection Report, the details of the area along with the recommendation in PART-II of the proposal vide Ref (3) to Chief Conservator of Forests, Kodagu Circle. Main features of the proposal based on the DCF, Madikeri Report r/w the report of the CCF, Kodagu Circle and that of the ICT Centre of Forest Department are as follows.

- a.* The forest land proposed for FC renewal is in general landscape of Eco-Class-I (Tropical Wet Evergreen Forests/ Tropical Semi-Evergreen Forests/ Tropical Moist Deciduous Forests) with Dense Forest (canopy density of 0.4-0.6). [Note: the entry made in Item 4 (i) of PART-II of the proposal may read accordingly.]



- b. As per Item 4 (ii) of PART-II, there are 43 trees of various species (mainly junglewood, *Chukrasia tabularis*, *Lagerstroemia lanceolata* and others) in different girth classes in the forest land proposed for FC renewal.
  - c. Major wild animals found in and around the area include Spotted deer, Sambar and Bonnet macaque among others.
  - d. There are no rare / endangered / unique species of flora and fauna reported around the forest area proposed for diversion.
  - e. The forest land proposed for FC renewal does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor.
  - f. There are no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor within one kilometer from the boundary of the forest land proposed for FC renewal.
  - g. The forest land proposed for FC renewal is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
  - h. There are no Protected/ Archaeological/ Heritage Sites/ Defence establishments located in the proposed area.
  - i. The forest area proposed for FC renewal is the bare minimum and unavoidable.
  - j. There is no violation reported under Forest (Conservation) Act, 1980.
5. **CCF, Kodagu Circle Report:** The Chief Conservator of Forests, Kodagu Circle has inspected the proposed area personally on 16-10-2020 and vide Ref (4) has submitted the Site Inspection Report in PART-III online. Agreeing with the recommendation made by the Deputy Conservator of Forests, Madikeri Division, the Chief Conservator of Forests, Kodagu Circle has also recommended the proposal.
6. **Net Present Value (NPV):** As the FC approval was prior to Hon'ble Supreme Court order dated 30-10-2002 in IA No. 566 in WP(Civil) No. 202 of 1995 making it mandatory to recover the Net Present Value in FC cases, the User Agency has not paid the Net Present Value for the forest land diverted in the past. Accordingly, the User Agency will be required to pay the Net Present Value (NPV) of forest land proposed for FC diversion / renewal 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 dated 20-09-2016 agreeing to pay the Net Present Value (NPV) of the forest land proposed for diversion.**

7. **Compensatory Afforestation (CA):** Present proposal involves FC renewal for 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 renewal 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. Accordingly, **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, in case any existing tree is required to be felled for the purpose of project activities .**
8. **Status of RoFR compliance:** The previous FC approval being prior to the promulgation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 and connected FC guidelines, the User Agency has not obtained the required certificate in the past. However, it will be required to obtain and furnish attested / authenticated copies of the requisite Certificate in **FORM-II (for Non-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 is being informed once again in this regard.**
9. **Additional information:** As the instant proposal is for FC renewal of a forest lease involving a power sub-station over an extent of 0.40 ha of forest land, it is opined that the proposal in a normal course(i.e., the cases without violations) is covered under the provisions of the Para 4.3: Critical Development Initiatives (General approval) for Public of the FC guidelines. However, the previous lease has expired on 23-07-2006 itself and the User Agency has been in possession of the forest land in question continuously without getting the FC renewed. Therefore, State Government may take appropriate decision whether approval for renewal of the project to the User Agency with the imposition of a



appropriate penalty as per the provision of FC Act 1980 may be considered or otherwise.

Under the above circumstances and agreeing with recommendation of the field officers, State Government is requested to consider for according 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for renewal of Forest Lease of 0.4 hectare forest land in Kodamburu village Sy No. 128, Kasaba Hobli, Madikeri Taluk, Kodagu District (Madikeri Forest Division) for existing 33 KV Murnad Power Sub-Station in favour of the Executive Engineer, Chamundeshwari Electricity Supply Corporation Limited (CESC), O&M Division, Madikeri for a period of 20 years subject to production of the RoFR Certificate in FORM-II (for Non-linear projects) and further subject to the conditions appended in Annexure 'A' or otherwise.

The hard copy of the proposal along with the relevant documents in 3 sets is submitted herewith for further needful. The present status (Timeline) 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)

**Copy to the:**

1. Chief Conservator of Forests, Kodagu Circle for information.
2. Deputy Conservator of Forests, Madikeri Division, Madikeri for information.
3. Executive Engineer, Chamundeshwari Electricity Supply Corporation Limited (CESC), O & M division, Madikeri-571 201 for information and **with a request to obtain and furnish attested / authenticated copies of the RoFR Certificate in FORM-II (for Non-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 at the earliest. You are also required to submit through the field officers the detailed valid reasons for delay in submission of the FC renewal application immediately.**

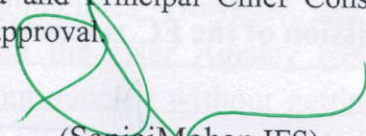
ಶ್ರೀಮತಿ ಸಲಾಕಿದೆ  
2-1-2021

ok



### 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 &amp; 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 to consider for according 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for renewal of Forest Lease of 0.4 hectare forest land in Kodamburu village Sy No. 128, Kasaba Hobli, Madikeri Taluk, Kodagu District (Madikeri Forest Division) for existing 33 KV Murnad Power Sub-Station in favour of the Executive Engineer, Chamundeshwari Electricity Supply Corporation Limited (CESC), O&amp;M Division, Madikeri for a period of 20 years subject to production of the RoFR Certificate in FORM-II (for Non-linear projects) and further subject to the conditions appended in Annexure 'A' or otherwise.</p> <p><b>Proposal No.: FP/KA/Others/21113/2016</b></p>
---	---

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. **84** /2020-21

(Official Seal)

Dated **01/01/2021**