

UKTL/2020-2021/20200923/FD/

Date: 17.01.2022

To,

**The Deputy Conservator of Forests,
Mangalore Forest Division
Mangalore, Karnataka**

Sub:- Proposal for diversion of 31.079 ha (22.111 ha under Mangalore Forest Division) forest land for construction of 400 kV Quad D/C Udupi - Kasargode Transmission Line vide Proposal No. FP/KA/TRANS/115396/2020, dated 18.12.2020 – regarding *submission of compliance of the query raised on 01.01.2022.*

Dear Sir,

With reference to the above, please find below the point-wise compliance of the online queries raised by your good-self on 1st Jan 2022:

S. No.	Query	Compliance
1	FC Proposal was submitted by the User Agency for diversion of Udupi - Kasaragod transmission line. Regarding tree enumeration work and tree felling, it was requested to Tahsildar, Bantwal by Range Forest Officer, Puttur, to mark the transmission line corridor and location of tower No:130 and 131 in Sy No: 467/1AP in Kepu village; 552/1A2P in Punacha village and Sy No: 466/1P and 467/1AP of Kepu village of Bantwal Taluk, in which Transmission line is passing. But Tahsildar, Bantwal has given an un-plotted Sketch, in which no place has been marked for the Tower No: 130 and 131. The same has been informed to User Agency to provide the sketch of above tower locations and other 4 tower locations also, in government land. So far, enumeration work of trees could not be done till date.	<p>The above Forest Diversion proposal has been submitted on PARIVESH to get the Forest Clearance under Forest (Conservation) Act, 1980, which is under process.</p> <p>A separate application was submitted to the DC Dakshin Kannada for getting working permission in 6 locations falling in Government land and the same has been accorded by the DC, vide letter No.-MAG (1) CR.71/2020/E-116853/C9 Dtd.-08-11-2021.</p> <p>Tree felling permission in said Government locations (non-forest) is being processed</p>

	As the User Agency has not provided the sketch of towers locations on the said Government land, therefore enumeration work and tree felling permission could not be conducted.	through a separate application which is not required to be linked with the Forest Diversion Proposal. Further, UKTL has submitted letter to DC to start the work on govt locations after conducting revenue survey only, any details if required, can be sought from DC office.
2	<p>As per Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines and Clarification), Chapter -I-Court Orders and general clarifications Para 1.14 Projects involving both forest and non- forest lands:</p> <p>Some projects involve use of forest land as well as non-forest land. State governments / projects authorities sometimes start work on non-forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the project. Though the provisions of the FC Act, may not have technically been violated by starting of work on non-forest lands, expenditure incurred on works on non- forest lands may prove to be infructuous if diversion of forest lands involved is not approved. Therefore, if a project involves Forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for release of forest land under the F.C. Act has been obtained unless and to the extent permitted by the FC Rules or guidelines issued thereunder regarding staring of work in forest/ non forest area.</p>	<p>An undertaking as per section 11.3 of the Handbook of the Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 has been submitted to the Nodal Officer FC Act for issuance of working permission in the non-forest area. (Copy of undertaking enclosed).</p> <p><i>Please refer Section 11.3 of the Handbook which enables user agencies to get working permissions in non-forest area by submitting such undertaking (copy enclosed for ready reference).</i></p>
3	There is severe agitation by the locals, forcing forest department not to enter any of the proposed	This proposal is for Forest Clearance under FC Act and may

	transmission line locations to conduct any survey/ enumeration work unless their grievances are addressed. Therefore, a request has been made to User Agency dated: 23-12-2021 in this regard.	be processed separately. Right of way issues can be taken up by Forest with District administration directly.
4	Hence user agency requested to contact Revenue authority and obtain records as narrated above and upload same in the FC portal and also submit to Forest Department for further action in the matter.	This proposal is for Forest Clearance under FC Act and may be processed separately. In non-forest area, working permission is already given by District Collector after due process of land identification and tree felling permission for the same is being requested accordingly.

You are therefore requested to process Part-II of the forest diversion proposal under Forest (Conservation) Act, 1980 and forward the same to the CF Mangalore for further processing at the earliest please.

Thanking You,

On Behalf of **Udupi - Kasargode Transmission Limited**



Authorized Signatory,

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UNDERTAKING FOR NON-OCCURRENCE OF FAIT ACCOMPLI SITUATION

We, Udupi Kasargode Transmission Ltd, do hereby undertake that the construction of Udupi-Kasargode Transmission Line in non-forest area of the State of Karnataka shall be executed up-to the boundary of forest area considered under the Forest (Conservation) Act 1980. We further undertake that, in case diversion of forest land is denied, project shall be executed along alternate alignment and work on non-forest land shall not be cited as a reason for grant of approval of diversion of forest land under the Forest (Conservation) Act, 1980.

Place: Bangalore

Date: 13.01.2022

Signature & Seal:

Name : Ranvir Singh
Designation : Project Head
Address : Udupi-Kasargode Transmission Ltd,
House No. 13/131, Old No. 7/117
ITI Colony, Vidya Nagar, Kasaragod
Kerala-671123



Chapter – 11

Infrastructural Projects incl. roads, railway lines, border roads, critical utility infrastructure development, residential / building construction

11.1 Infrastructure projects requiring diversion of forest land under the FCA, 1980 fall under following categories, (in addition to the General Approval granted by the Central government for the specified public utility services and critical/strategic defence infrastructure for the specified periods):

- (i) Road Widening and construction, including widening in existing RoW.
- (ii) Construction of railway lines including conversion of meter gauge railway line to broad gauge including widening within RoW of existing meter gauge.
- (iii) Repair and maintenance of roads constructed on forest lands prior to 25th October 1980
- (iv) Approach/exit roads to petrol pumps etc.
- (v) Residential projects in forest lands
- (vi) Construction of residential buildings in private forests
- (vii) Non-site-specific projects like: Industries, residential colonies, institutes, disposal of fly ash and rehabilitation of displaced persons
- (viii) Ecotourism in Forest Areas
- (ix) School in hilly areas
- (x) Passenger Ropeways

11.2 Any proposal for linear projects such as roads, railway line, transmission lines, etc. need to be processed in their entirety for comprehensive assessment of requirement of forest land and consequences if approval for any forest land is not granted. No work on forest land shall be taken up unless diversion of forest land is ordered by the concerned State /UT Government after obtaining approval of the Central Government under the Forest (Conservation) Act, 1980.

Provided that consequent to grant of Stage I approval in respect of linear projects such as laying of new roads, widening of existing highways, transmission lines, water supply lines, optic fiber cabling, railway lines etc. by the Central Government under FCA, the State Government or a Senior Officer not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land proposed to be diverted, duly authorized in this behalf by the State Government can pass an order for tree cutting and commencement of work of a linear project in forest land for a period of one year.

Such orders shall be passed only after full realization of funds for compensatory afforestation, Net Present Value (NPV), wildlife conservation plan, plantation of dwarf species of medicinal plants, and all such other compensatory levies, specified in the Stage I (in-principle) approval from the UA, and where ever applicable, transfer and mutation of non-forest/ revenue forest land in favour of State Forest Department.

11.3 To facilitate phased preparation and processing, the proposals for such projects may be prepared Forest Division/ State-wise subject to submission of a map indicating alignment of the entire project, highlighting the portions passing through forest land, along with a write up

on salient features of the entire project and details of approvals already obtained and/ or sought under the Act for other sections of the project.

Moreover, in case of linear projects involving both forest as well as non-forest land, work on non-forest land may be executed subject to submission of details of all stretches involving forest lands along with alternate alignments identified to bypass the forest land. To prevent occurrence of *fait accompli* situations, User Agency needs to undertake that in case diversion of forest land is denied, project shall be executed along alternate alignment and work on non-forest land shall not be cited as a reason for grant of approval of diversion of forest land under the Forest (Conservation) Act, 1980. Work on non-forest land will not confer any right on the User Agency with regard to grant of approval under the Act. Further, in case approval under the Act is declined for widening of road, width of the portion of road falling in the forest land will be maintained at its existing level.

The above facilitation is not applicable to the roads falling in the Protected Areas and the Eco-sensitive zones around the Protected Areas where impact on wildlife is to be considered.

11.4 Roads/Railways/Canals: Non-forest lands which were acquired by the concerned Government departments for construction of roads/railways/canals and the vacant areas in the Right of Way (RoW) were subsequently planted and notified as Protected Forests for management purposes will attract the provisions of Forest (Conservation) Act, 1980. Similarly, breaking of any land, recorded as forest, for conversion of meter gauge railway line to broad gauge railway line or road widening even if such forest land falls within the existing RoW will require prior approval of the Central Government under the FC Act, 1980.

11.5 Railway projects passing through the notified ESZ or located within 10 km radius of PAs (Protected Areas) or Tiger Reserves(TR) are not required to obtain Wildlife Clearance from the NBWL as these projects do not need Environment Clearance. However, railway projects passing through the areas linking one TR with another PA or TR diversion cannot be allowed for ecologically unsustainable use, except in public interest with the approval of NBWL on the advice of NTCA as provided under section 38 (O) (1) (g) of WLPA 1972

11.6 Repair and maintenance of roads constructed in forest lands: The up-gradation of roads, constructed in forest areas prior to 25th October 1980, from 'Kutchha to Pucca' is permissible without attracting the provisions of FC Act, 1980 and black topping and bituminous work of forest roads (management works) which have been brought under Pradhan Mantri Gramin Sadak Yojana (PMGSY) is permitted subject to fulfillment of the following conditions:

- (a) Bitumen cold mix for black topping should be prepared outside the forest or at a site approved by the Divisional Forest Officer.
- (b) The user agency shall maintain the curves of the roads, inside the forest, and will not straighten the same.
- (c) The user agency shall install speed breakers and speed control signage at regular intervals to avoid accident with wild animals.
- (d) The user agency shall try to maintain the road surface as rough as possible to act as regular speed governor, even if it means going below the standards prescribed for the particular class of roads, the intention being only to make it an all-weather road.
- (e) The user agency shall provide side drains for proper drainage.