

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 ಅಡ್ಡ ರಸ್ತೆ

ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003.

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Old File No. A5(2).GFL.CR-42/2016-17

E-office File No.KFD/HOFF/A5-2(GFL)/170/2019-FC

E-134003

Date 07-12-2019

To,

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

Sir,

Sub: Diversion of 0.80 hectare of forest land in Sampaje Village SyNo.125/P, Sullia Hobli & Taluk, Dakshina Kannada District (Sampaje Reserved Forest of Mangaluru Forest Division) for construction of 33/11KV Substation (1.5 MVA) in favour of the Executive Engineer, Mangaluru Electricity Supply Company (MESCOM), O & M Division, Puttur, Dakshina Kannada District

FP/KA/TRANS/24339/2017

- Ref:**
1. Online proposal [FORM-A PART-I] dated 15-02-2017 of the Executive Engineer, Mangaluru Electricity Supply Company (MESCOM), O & M Division, Puttur, Dakshina Kannada District r/w Acknowledgment uploaded online on 31-07-2017 by User Agency for having delivered the hard copy of proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner
 2. This office online communication dated 01-08-2017 to Deputy Conservator of Forests, Mangaluru Division, Mangaluru for further processing of proposal
 3. Online submission of PART-II by Deputy Conservator of Forests, Mangaluru Division on 14-09-2017 [Letter No. Land Section/KV station-11/2004-05 dated 15-09-2017]
 4. Online submission of PART-III by the Chief Conservator of Forests, Mangaluru Circle, Mangaluru on 19-08-2019 [Letter No. A3CR-11/2005-06 dated 27-02-2018]

1. The Executive Engineer, Mangaluru Electricity Supply Company (MESCOM), O & M Division, Puttur, Dakshina Kannada District (USER AGENCY) vide Ref (1) has submitted an online proposal [FORM-A PART-I] through FC web portal seeking approval for diversion of 0.80 hectare of forest land in Sampaje Village Sy No. 125/P, Sullia Hobli & Taluk, Dakshina Kannada District (Sampaje Reserved Forest of Mangaluru Forest Division) for construction of 33/11KV Substation (1.5 MVA) under Section 2 of the Forest (Conservation) Act, 1980. After uploading of Acknowledgement on 31-07-2017 by User Agency for having delivered the hard copies of the proposal to jurisdictional DCF & DC, an online communication was made by the Nodal Officer vide Ref (2) to the Deputy Conservator of Forests, Mangaluru Division to process the said proposal and to submit specific opinion / recommendation.
2. **Location details and Component wise break up:** Location details and Component wise breakup of the forest land proposed for diversion are given below.

District, Taluk, Hobli, Name of Forest	Village	Sy No.	Name of project component *	Forest extent proposed for diversion (ha)	Legal Status of land
Dakshina Kannada District, Sullia Taluk & Hobli, Sampaje Reserved Forest	Sampaje	125/P	33/11 KV sub-station (1.5 MVA)	0.8	Reserved Forest
Total				0.8	

*The name of component in item B-2.4 of PART-I of the proposal on FC Web Portal has been inadvertently left blank and therefore, may be read accordingly.

3. **Report of DCF, Mangaluru Division:** The Deputy Conservator of Forests, Mangaluru Division, Mangaluru has inspected the project site on 07-09-2017 and vide Ref (3) has submitted the Site Inspection Report along with other information in PART-II to the Chief Conservator of Forests, Mangaluru Circle, Mangaluru. In the said report, the DCF has recommended the proposal for consideration. Main features of the forest land proposed for diversion based on the DCF report r/w with the reports of the CCF, Mangaluru Circle and ICT Centre of the Forest Department are given below.
 - 1 The forest land proposed for diversion is in general landscape of Eco-class-I (Tropical Moist Deciduous) and has up to 10 % canopy density. [Note: The canopy density in Item 4(i) of PART-II of proposal may be read accordingly.]
 - 2 The forest land proposed for diversion is not vulnerable to erosion.
 - 3 There are 93 trees in different girth classes on the forest land proposed for diversion. The major species include *Acacia auriculiformis*, *Tectona grandis*, *Hevea brasiliensis* (Rubber), etc.
 - 4 Major Wild animals found in and around the project area include Wild pig and wild ungulates.

- 5 There are no rare endangered / unique species of flora and fauna reported in the proposed area.
 - 6 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.
 - 7 The forest land proposed for diversion is not located within Eco-Sensitive Zone(ESZ) of any Protected Area notified under Wildlife(Protection) Act, 1972.
 - 8 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 diversion.
 - 9 There are no Protected/ Archeological/ Heritage Sites/ Defence establishments located in the proposed area.
 - 10 The forest area proposed for diversion is the bare minimum and unavoidable.
 - 11 There is no violation reported under Forest (Conservation) Act, 1980.
4. **Report of CCF, Mangaluru Circle:** The Chief Conservator of Forests, Mangaluru Circle has not inspected the site personally. However, agreeing with the recommendation made by the Deputy Conservator of Forests, Mangaluru Division, the Chief Conservator of Forests, Mangaluru Circle has recommended the project and has submitted his opinion in PART-III online vide Ref (4).
5. **Compensatory Afforestation (CA):** The forest area proposed for diversion is less than one hectare and is governed by Para 3.2 (viii)(b) of the Government of India FC Guidelines (old version, as the new version is silent on this matter), which provides exemption from raising Compensatory Afforestation (CA), however mandates planting of ten times the number of trees likely to be felled. As there are 93 trees in the project area, the User Agency will have to make payment in accordance with the letter Old File No. A5(3).GFL.CR.28/2009-10 and E-office File No. KFD/HOFF/A5-3(GFL)/34/2019-FC [E-88289] dated 26-06-2019 of the Principal Chief Conservator of Forests (Head of Forest Force) for tree felling required for the purpose of execution of the project. **The User Agency has submitted an Undertaking to pay for Compensatory Afforestation.**
6. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land proposed for diversion 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 to pay the charges towards Net Present Value (NPV) of the forest land proposed for diversion.**
7. **Status of RoFR compliance:** With regard to compliance of the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 and Rules 2008, the User Agency has not furnished 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 again to obtain the said certificate in prescribed format and submit a copy.**

8. **Additional Remarks:** The filed officers in their reports have pointed out that the User Agency in another proposal (No. FP/KA/TRANS/1997/2007) involving diversion of 0.131 hectare of forest land in Yenmuru Reserved Forest for electrification project of Hemala hamlet in Mangaluru Division has not complied with the conditions of Stage-I approval (accorded by Government of India vide letter No. 4-KRB 361/2007-BAN/272 dated 02-07-2007), but has implemented the project. Therefore, the User Agency need to comply with all conditions of Stage-I approval pertaining to the above mentioned project.

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to accord the in-principle (Stage-I) approval under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.80 hectare of forest land in Sampaje Village Sy No. 125/P, Sullia Hobli & Taluk, Dakshina Kannada District (Sampaje Reserved Forest of Mangaluru Forest Division) for construction of 33/11KV Substation (1.5 MVA) in favour of the Executive Engineer, Mangaluru Electricity Supply Company (MESCOM), O & M Division, Puttur, Dakshina Kannada District as per Para 4.3 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 (General Approval) for a period of 20 years, subject to production of RoFR Compliance Certificate by the User Agency in the prescribed FORM-II issued by the jurisdictional Deputy Commissioner as per FC guidelines and compliance of conditions of Stage-I approval in respect of its another Proposal No. FP/KA/TRANS/1997/2007 also subject to the conditions appended in Annexure 'A'.

The proforma particulars along with the relevant documents in 3 sets along with Timeline of the proposal taken from FC web portal are submitted herewith for kind perusal and further action.

Yours Faithfully



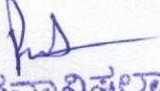
PUNATI SRIDHAR IFS
Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the Chief Conservator of Forests, Mangaluru Circle, Mangaluru for information.

Copy to the Deputy Commissioner, Dakshina Kannada District for information and necessary action to issue the RoFR Compliance Certificate in FORM-II (for Non-linear projects) as mentioned above.

Copy to the Deputy Conservator of Forests, Mangaluru Division, Mangaluru for information.

Copy the Executive Engineer, Mangaluru Electricity Supply Company (MESCOM), O & M Division, Puttur, Dakshina Kannada District for information and further action to obtain the original Certificate of RoFR Compliance as mentioned above and submit at the earliest. You are also required to submit a condition-wise compliance report in respect of your another proposal mentioned above.


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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), cost of extraction of trees if any, 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 User Agency shall undertake avenue plantation along the proposed road at project cost.
5. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
6. 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 would stand resumed to the Forest Department.
7. 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 leased forest land.
8. No residential (other than approved at the time of forest clearance) or commercial buildings shall be permitted in the forest area proposed for diversion.
9. 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.
10. 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.
11. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
12. No change in Land Use Plan shall be done unless prior approval of Government of India under FC Act is obtained.
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 and/or 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.



PUNATI SRIDHAR 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>(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 0.80 hectare of forest land in Sampaje Village Sy No. 125/P, Sullia Hobli & Taluk, Dakshina Kannada District (Sampaje Reserved Forest of Mangaluru Forest Division) for construction of 33/11KV Substation (1.5 MVA) in favour of the Executive Engineer, Mangaluru Electricity Supply Company (MESCOM), O & M Division, Puttur, Dakshina Kannada District as per Para 4.3 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 (General Approval) for a period of 20 years, subject to production of RoFR Compliance Certificate by the User Agency in the prescribed FORM-II issued by the jurisdictional Deputy Commissioner as per FC guidelines and compliance of conditions of Stage-I approval in respect of its another Proposal No. FP/KA/TRANS/1997/2007 also subject to the conditions appended in Annexure 'A'.</p> <p>[Proposal No. FP/KA/TRANS/24339/2017]</p>
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Signature:

Name:

RAJIV RANJAN IFS

Designation:

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

(Official Seal):

Counter signed by :

Name:

PUNATI SRIVIDHAR IFS

Designation:

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

(Official Seal):

N.D.O. No: 19 /2019-20

Date: 11-12-2019

