

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

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



ಅರಣ್ಯಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003
Aranya Bhavan, 18th Cross
Malleshwaram, Bengaluru-560 003
Telephone : 080 2334 6472
Email : apccffc@gmail.com

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Encl: 4 sets of proposals

E-153998

Date 06-07-2022

13

To

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

Sir,

Sub: Ex post facto approval for diversion of 2.5766 hectare of forest land in Bola village, Kasaba Hobli, Karkala Taluk, Udupi District (Kundapur Forest Division) for construction of 400 KV DC line with Quad Moose ACSR for a route length of 179.85 km from Nandikur Generation Station to 400/200 KV Receiving Station at Shantigrama village in Hassan District in favour of Executive Engineer, Karnataka Power Transmission Corporation Limited (KPTCL), 400 KV Transmission line Works Division, Bannanje, Udupi.

Proposal No. FP/KA/TRANS/36286/2018 [FORM-A]

- Ref:**
1. Online proposal [FORM-A PART-I] dated 22-10-2020 (re submitted) of Executive Engineer, Karnataka Power Transmission Corporation Limited (KPTCL), 400 KV Transmission line Works Division, Bannanje, Udupi r/w Acknowledgement uploaded online on 21-11-2020 by User Agency for having delivered the hard copy proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner.
 2. This office online communication dated 23-11-2020 to Deputy Conservator of Forests, Kundapur Division for further processing of proposal.
 3. Online submission of PART-II on 16-05-2022 by the Deputy Conservator of Forests, Kundapur Division.

4. Online submission of PART-III on 23-05-2022 by the Chief Conservator of Forests, Mangaluru Circle [letter No.A3/NPCL/CR-51/2009-10 (vol-3) dated 23-05-2022]

1. The Executive Engineer, Karnataka Power Transmission Corporation Limited (KPTCL), 400 KV Transmission line Works Division, Bannanje, Udupi [USER AGENCY] vide Ref (1) has submitted an online proposal [FORM-A PART-I] through FC web portal seeking approval under Section 2 of the Forest (Conservation) Act, 1980 for Ex post facto approval for diversion of 2.5766 hectare of forest land in Bola village, Kasaba Hobli, Karkala Taluk, Udupi District (Kundapur Forest Division) for construction of 400 KV DC line with Quad Moose ACSR for a route length of 179.85 km from Nandikur Generation Station to 400/200 KV Receiving Station at Shantigrama village in Hassan District. After uploading of Acknowledgement on 21-11-2020 by User Agency for having delivered the hard copies of the proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner, an online communication was made by the Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Kundapur Division to process the proposal under the Forest (Conservation) Act, 1980 and to submit specific opinion / recommendation.
2. **Location details and Component-wise breakup of forest land requirement:** The details of the location of forest land and component wise requirement are given below.

District, Taluk, Hobli	Village	Project component	Sy.No.	Forest extent proposed for diversion (ha)	Legal status of land
Udupi District, Karkala Taluk, Kasaba Hobli	Bola	Transmission line	221	0.7228	Reserved Forest
			221	1.5444	Deemed Forest
			206/1A	0.3094	
Total				2.5766 ha	

** In this instant proposal as the User Agency had altered the alignment from previously proposed FC diversion and violated Forest (Conservation) Act, 1980 in the year 2012 by diverting additional forest land to an extent of 2.5766 ha and illegal tree cutting in forest area without prior approval under the Forest (Conservation) Act, 1980. In view of the above, this will attract penal charges which is to be determined by Government of India, Ministry of Environment, Forest and Climate change.*

3. **Report of DCF, Kundapur Division:** The Deputy Conservator of Forests, Kundapur Division has inspected the site on 15-07-2021 and vide Ref (3) has submitted his report along with Site Inspection Report in PART-II to Chief Conservator of Forests, Mangaluru Circle. Main features of the proposal based on the reports of the Deputy

Conservator of Forests, Kundapur Division r/w report of Chief Conservator of Forests, Mangaluru Circle and that of ICT Centre of Forest Department are summarized below.

- a. The proposed forest area is a degraded forest area with direct sunlight and rainfall, and soil depletion in this area. Soil depletion is common in this area.
- b. The forest land proposed for diversion is in general landscape of Eco-class-I (Southern Moist Mixed Deciduous Forest) with a Canopy Density of up to 0.3 (Open Forest).
- c. As per Item 4(ii) of PART-II, there are 1226 trees in different girth classes. Main tree species include *Acacia Auriculiformis*, *Artocarpus Hirsutus*, *Terminalia Paniculata*, *Anacardium Occidentale*, *Garcinia Indica* and others
- d. Main wild animals reported in and around the project area include Rabbit, pig, hedgehog, fox, Monitor lizard, Peacock and Monkey etc.
- e. There are no other rare / endangered / unique species of flora and fauna reported in and around the forest land proposed for diversion.
- f. 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, etc.
- g. There are no Protected/ Archaeological/ Heritage sites or Defence establishments or important monuments in the area.
- h. The User Agency had violated the Forest (Conservation) Act, 1980 in the year 2012 by illegal tree cutting in forest area.
- i. The requirement of forest land for the project is bare minimum and unavoidable.

4. CCF, Mangaluru Circle Report: The Chief Conservator of Forests, Mangaluru Circle has inspected the site on 21-05-2022 and has agreed with the report of Deputy Conservator of Forests, Kundapur Division. The Chief Conservator of Forests, Mangaluru Circle vide Ref (4) has submitted his report in PART-III and has also recommended the proposal.

5. 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. 5-3/2011-FC (Vol-I) dated 06-01-2022 and 19-01-2022. **The User Agency has submitted an Undertaking agreeing to pay the Net Present Value (NPV) of the forest land proposed for diversion.**

- Conservator of Forests, Kumbalur Division in report of Chief Conservator of Forests, Mangalore Circle and that of ICT Centre of Forest Department are summarized below.
6. **Compensatory Afforestation (CA):** In accordance with the provisions of para 2.5 (i)(a) 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 Compensatory Afforestation can be raised and maintained at the cost of User Agency on degraded forest land twice in extent of the forest area proposed for diversion in the cases of laying of transmission lines. Accordingly, the Deputy Conservator of Forests, Chikkaballapura Division has identified an extent of 5.20. ha degraded forest land in Yerramarenahalli Village Sy No.41 of Narasimhadevarabetta IV Block, Mandikal Hobli, Chikkaballapura Taluk and District for raising CA and uploaded the KML file, Topo Map, Geo-reference Map along with GPS readings of all corners in PART-II of the proposal and also uploaded the CA Suitability Certificate dated 30-04-2022 in the prescribed format. **The User Agency has also submitted an Undertaking agreeing to pay the Compensatory afforestation charges.**
 7. **Status of RoFR compliance:** In order to meet the requirement of the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules 2008 and the FC Guidelines, the User Agency has not obtained/ furnished the (copy of) requisite **RoFR Certificate in FORM-I (for 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. Accordingly, **the User Agency is being informed once again to obtain the said certificate in prescribed format and submit a copy.**
 8. **Additional Information:** As per report of Field officers, the Government of India vide order F.No 8-29/2010-FC dated 17-01-2012 and Government of Karnataka order No FEE 20 FGL 2010 Bengaluru dated 01-02-2012 had accorded Stage-II approval for diversion of 95.74 ha of forest land. Now, User Agency has submitted additional/instant proposal due to minor changes in the alignment required for technical reasons during the execution of the works. In original alignment the transmission line was passing through the boundary of the Reserve Forest but a later stage it was found technically more feasible for the transmission line pass through the Reserve Forest area. Moreover, The User Agency had already completed the construction of the Nandikur-Shanthi Grama 400 KV transmission line.

In this instant proposal as the User Agency had altered the alignment from previously proposed FC diversion and violated Forest (Conservation) Act, 1980 **in the year 2012 by diverting additional forest land to an extent of 2.5766 ha and illegal tree cutting in forest area without prior approval under the Forest (Conservation) Act, 1980. In view of the above, this will attract penal charges which is to be determined by Government of India, Ministry of Environment, Forest and Climate change.**

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to move the proposal to Government of India for according 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for Ex post facto approval for diversion of 2.5766 hectare of forest land in Bola village, Kasaba Hobli, Karkala Taluk, Udupi District (Kundapur Forest Division) for construction of 400 KV DC line with Quad Moose ACSR for a route length of 179.85 km from Nandikur Generation Station to 400/200 KV Receiving Station at Shantigrama village in Hassan District in favour of Executive Engineer, Karnataka Power Transmission Corporation Limited (KPTCL), 400 KV Transmission line Works Division, Bannanje, Udupi for a period of twenty (20) years subject to submission of RoFR Compliance Certificate in FORM-I (for Linear projects) and the conditions listed in Annexure 'A'.

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

(Raj Kishore Singh IFS) 12-7-22

Principal Chief Conservator of Forests
(Head of Forest Force)

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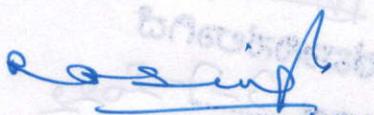
1. Chief Conservator of Forests, Mangaluru Circle, Mangaluru for information.
2. Deputy Conservator of Forests, Kundapur Division for information.
3. Executive Engineer, Karnataka Power Transmission Corporation Limited (KPTCL), 400 KV Transmission line Works Division, Bannanje, Udupi for information and with a request to obtain RoFR Certificate in FORM-I (for 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 (available on FC web portal) and submit the authenticated / attested copies at the earliest.

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ದಿನಾಂಕ 13-7-2022

o/c

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), Compensatory, Plantation cost of extraction of trees, 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 and hypothecate the forest area.
5. The Lessee shall provide signages in appropriate dimensions and kind near the proposed transmission line within forest limits for sensitization of general public towards the forest, wildlife and environmental issues in consultation with the jurisdictional Deputy Conservator of Forests.
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 two years or when it is no longer needed for the stipulated purpose, the area would stand resumed to the Forest Department.
7. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
8. 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.
9. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
10. No crushing / breaking of stones or labour camp shall be allowed on forest land and all waste / debris generated shall be scientifically disposed off outside the forest area.
11. 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.
12. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
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 / 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.


(Raj Kishore Singh 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 moving the proposal to Government of India for according 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for Ex post facto approval for diversion of 2.5766 hectare of forest land in Bola village, Kasaba Hobli, Karkala Taluk, Udupi District (Kundapur Forest Division) for construction of 400 KV DC line with Quad Moose ACSR for a route length of 179.85 km from Nandikur Generation Station to 400/200 KV Receiving Station at Shantigrama village in Hassan District in favour of Executive Engineer, Karnataka Power Transmission Corporation Limited (KPTCL), 400 KV Transmission line Works Division, Bannanje, Udupi for a period of twenty (20) years subject to submission of RoFR Compliance Certificate in FORM-I (for Linear projects) and the conditions listed in Annexure 'A'. Appropriate penalty may be imposed for violating Forest (Conservation) Act, 1980.</p> <p>[Proposal No. FP/KA/TRANS/36286/2018]</p>
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Signature:
Name:
Designation:


VIJAY SHARMA IFS
Principal Chief Conservator of Forests
(Forest Conservation) and
Nodal Officer (FCA)

(Official Seal):

Counter signed by :
Name:
Designation:


RAJ KISHORE SINGH IFS 12-7-22
Principal Chief Conservator of Forests
(Head of Forest Force)

(Official Seal):

N.D.O. No: 23/2022-23

Date: 13-07-2022