

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯವಡೆ ಮುಖ್ಯಸ್ಥರು)ರವರ ಕಛೇರಿ
Office of
Principal Chief Conservator of Forests
(Head of Forest Force)



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Old File No.A5(6)/GFL/CR-23/2014-15
E-office File No. KFD/HOFF/A5-6(GFL)/3/2018-FC
Encl.

E-62303
Date 16-12-2019

To,

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

Sir,

Sub: Renewal of FC lease involving diversion of 1.00 hectare of forest land in Karnangeri village Sy No. 236/1, Madikeri Taluk, Kodagu District for already established 66/11 KV Sub-station in favour of Karnataka Power Transmission Corporation Limited (KPTCL) through Executive Engineer (Electrical, TL&SS Division), Hootagally, FTS Compound, N.R. Mohalla, Mysore

Proposal No. FP/KA/TRANS/9866/2015 [FORM-B]

- Ref:**
1. Online proposal [FORM-B PART-I] dated 21-12-2016 (resubmitted) of the Executive Engineer (Electrical, TL&SS Division), Karnataka Power Transmission Corporation Limited (KPTCL), Hootagally, FTS Compound, NR Mohalla, Mysore r/w uploading of Acknowledgement on 16-02-2017 for having delivered the hard copies of proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner
 2. This office online communication dated 23-02-2017 to Deputy Conservator of Forests, Madikeri Division for further processing
 3. Online submission of PART-II on 04-10-2018 by Deputy Conservator of Forests, Madikeri Division r/w online reply dated 19-08-2019 of User Agency to the latest EDS Query [Letter No. Land/FC/Karnangeri/CR-53/98-99 dated 23-10-2019- Hard copy of proposal]
 4. Online submission of PART-III on 05-10-2018 by Chief Conservator of Forests, Kodagu Circle r/w online reply dated 06-

03-2019 of the latest EDS Query [Letter No. Bhoomi/SC/CR-53/Land/Madikeri/(98-99)/12-13 dated 12-11-2019- *Hard copy of proposal*]

1. The Government of India vide letter F.No. F© A/11.2/163/KAR/TL dated 05-01-2000 had accorded prior approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 1.00 hectare of forest land in Karnangeri village Sy No. 236/1, Madikeri Taluk, Kodagu District for establishing Power Sub-station in favour of Karnataka Power Transmission Corporation Limited (KPTCL) subject to certain conditions. The Government of India approval did not specify the lease period. It had however, had stipulated the following Condition in the FC approval.

(iv) Any other conditions stipulated by the State Govt/ PCCF, Karnataka in the interest of conservation of forests.

Accordingly, the Government of Karnataka vide Order No. FEE 258 FGL 98 dated 19-04-2000 had accorded approval for release of the said forest land subject to certain conditions. The Government of Karnataka approval also did not specify the lease period. However, the approval had the following condition among others.

6. Any other conditions stipulated by the State Government/ Principal Chief Conservator of Forest, in the interest of conservation of forests.

The Lease agreement dated 22-11-2000 had restricting the lease period to Ten (10) years in the first instance. Accordingly, the lease expired on 18-04-2010 (As per Government of Karnataka order date) and on 21-11-2010 (As per lease agreement date)

2. The Executive Engineer (Electrical, TL&SS Division), Karnataka Power Transmission Corporation Limited (KPTCL), Hootagally, FTS Compound, NR Mohalla, Mysore [USER AGENCY] vide Ref (1) has submitted an online proposal in FORM-B PART-I through FC web portal on 21-12-2016 seeking approval for renewal of lease under Forest (Conservation) Act, 1980 for earlier approved diversion involving diversion of 1.00 hectare of forest land in Karnangeri village Sy No. 236/1, Madikeri Taluk, Kodagu District for already established 66/11 KV Sub-station. The same was accepted by the Nodal Officer on 28-01-2017 for further processing. After uploading of the Acknowledgement online by the USER AGENCY on 16-02-2017 for having delivered the hard copies of the proposal to the jurisdictional Deputy Conservator of Forests and Deputy Commissioner, the online link was forwarded to the Deputy Conservator of Forests, Madikeri Division on 23-02-2017 for field verification and further processing 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 diversion are given below.

District, Taluk, Hobli	Village	Sy No.	Name of Project Component	Forest extent proposed for renewal of lease (ha)	Legal status of land
Kodagu District, Madikeri Taluk & Hobli	Karnangeri	236/1	66/11 KV Sub-station	1.00	Reserved Forest

4. **DCF, Madikeri Division Report:** The Deputy Conservator of Forests, Madikeri Division, Madikeri has inspected the site on 25-09-2018 and has, vide Ref (3), submitted his Site Inspection Report along with other information in PART-II to the Chief Conservator of Forests, Kodagu Circle, Madikeri duly recommending the proposal. The details of the proposal as reported by the Deputy Conservator of Forests, Madikeri Division r/w the reports of Chief Conservator of Forests, Kodagu Circle, Madikeri and also of ICT Centre of Forest Department are as follows.
- The forest land proposed for diversion lies in a general landscape of Eco-class- I (Tropical Semi Evergreen Forests/ Tropical Moist Deciduous Forests) with Canopy Density of 0.75.
 - There are 22 *Acacia auriculiformis* trees in the forest land proposed for diversion. The same may be required to be retained.
 - The forest land proposed for diversion is a hard soil with gentle slope end thus slightly prone to erosion.
 - Major wild animals found in and around the area include the Wild pig, Hare etc., among others.
 - There are no rare endangered / unique species of flora and fauna reported in the proposed area.
 - 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.
 - The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
 - 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.
 - There are no Protected/ Archeological/ Heritage Sites/ Defence establishments located in the proposed area.

- j. The forest area proposed for diversion is the bare minimum and unavoidable.
- k. There is no violation reported under Forest (Conservation) Act, 1980.

The Deputy Conservator of Forests, Madikeri Division in his Site Inspection Report dated 27-11-2017 has stated that there is no violations of Lease conditions.

5. **CCF, Kodagu Circle Report:** The Chief Conservator of Forests, Kodagu Circle has inspected the site on 05-10-2018 and has, vide Ref (4) submitted the Site Inspection Report along with recommendation in PART-III.
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 dated 22-11-2016 to pay the statutory charges for the forest land proposed for diversion.**
7. **Compensatory Afforestation (CA):** The forest area proposed for diversion is one hectare and is thus 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 22 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, if required, for the purpose of the project.
8. **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.**
9. **Additional Remarks:** Even though there is no lease period defined in the Government of India and Government of Karnataka approvals, the Lease Agreement dated 22-11-2000 entered between the Deputy Conservator of Forests, Madikeri and the User Agency may be taken as the basis for deciding the lease

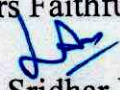
period. Accordingly, the Government of Karnataka itself may approve the renewal of FC lease.

In light of the facts stated above, it is requested to accord the 'in-principle' (Stage-I) approval for renewal of FC lease involving diversion of 1.00 hectare of forest land in Karnangeri village Sy No. 236/1, Madikeri Taluk, Kodagu District for already established 66/11 KV Sub-station in favour of Karnataka Power Transmission Corporation Limited (KPTCL) through Executive Engineer (Electrical, TL&SS Division), Hootagally, FTS Compound, N.R. Mohalla, Mysore, for a period of 20 years subject to production of FRA certificate in the latest FORM-II (for non-linear projects) and also subject to the conditions specified 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 (Time Line) of the proposal obtained from the FC web-portal is also appended for reference.

Yours Faithfully,


(Punati Sridhar I.F.S.)
Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Chief Conservator of Forests, Kodagu Circle, Madikeri for information.
2. Deputy Conservator of Forests, Madikeri Division for information.
3. Deputy Commissioner, Kodagu District for information and with a request to issue the required **FRA certificate in the FORM-II (for non-linear projects)** as prescribed in Annexure II of the latest FC Guidelines communicated by the Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide letter F.No. 5-2/2007-FC dated 28-03-2019 (*may be downloaded from www.parivesh.nic.in*). A copy of the prescribed Format is enclosed.
4. Executive Engineer (Electrical, TL&SS Division), Karnataka Power Transmission Corporation Limited (KPTCL), Hootagally, FTS Compound, NR Mohalla, Mysore for information and with a request to obtain the required **FRA certificate in the FORM-II (for non-linear projects)** as prescribed in Annexure II of the latest FC Guidelines communicated by the Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide letter F.No. 5-2/2007-FC dated 28-03-2019. A copy of the prescribed Format is enclosed.

PART - IV

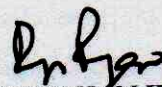
(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.

(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).

Recommended for according 'in-principle' (Stage-I) approval for **renewal of FC lease involving diversion of 1.00 hectare of forest land in Karnangeri village Sy No. 236/1, Madikeri Taluk, Kodagu District for already established 66/11 KV Sub-station in favour of Karnataka Power Transmission Corporation Limited (KPTCL) through Executive Engineer (Electrical, TL&SS Division), Hootagally, FTS Compound, N.R. Mohalla, Mysore, for a period of 20 years subject to production of FRA certificate in the latest FORM-II (for non-linear projects) and also subject to the conditions specified in Annexure 'A'.**
[Proposal No. FP/KA/TRANS/9866/2015]

Signature:



RAJIV RANJAN IFS

Name:

Designation:

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

(Official Seal)

Countersigned by :



PUNATI SRIDHAR IFS

Name:

Designation:

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

(Official Seal)

N.D.O. No: 20 /2019-20
Date: 16 /12/2019

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 I.F.S.)

Principal Chief Conservator of Forests
(Head of Forest Force)