

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
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E-office File No. KFD/HoFF/A5-4(GFL)/87/2019-FC

Encl:

3 Sets

E-140416

Date 19-09-2020

22-09-2020

To,

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

Sir,

Sub: Diversion of 0.952 hectare of forest land in Uttarahalli Manavarthe (U.M.) Kaval Village Sy No. 38, Kengeri-3 Hobli, Bengaluru South Taluk, Bengaluru Urban District (Bengaluru Urban Division) for heightening of existing EHV Electrical Power Transmission Lines (two parallel lines) of 66 KV each in favour of the Executive Engineer (Electrical), Karnataka Power Transmission Corporation Limited (KPTCL), Bengaluru Major Works Division, Bengaluru

Proposal No. FP/KA/TRANS/41479/2019

- Ref:**
1. Online Proposal [FORM-A PART-I] dated 11-12-2019 (re-submitted) of the Executive Engineer (Electrical), Karnataka Power Transmission Corporation Limited (KPTCL), Bengaluru Major Works Division, Anand Rao Circle, Bengaluru r/w uploading of Acknowledgement on 01-01-2020 for having delivered the hard copies of proposal to jurisdictional Deputy Conservators of Forests and Deputy Commissioner
 2. This office online communication dated 04-01-2020 to Deputy Conservators of Forests, Bengaluru Urban Division for further processing of the proposal
 3. Online submission of PART-II on 06-08-2020 by Deputy Conservator of Forests, Bengaluru Urban Division [Letter No.

A7/Land/lease/KPTCL/CR-76/2019-20 dated 06-08-2020]

4. Online submission of PART-III on 17-08-2020 by Chief Conservator of Forests, Bengaluru Circle [Letter No. A11/LAND/CR-34/2020-21 dated 12-08-2020]

1. The Executive Engineer (Electrical), Bangalore Major Works Division, Karnataka Power Transmission Corporation Limited, Anand Rao Circle, Bengaluru [USER AGENCY] vide Ref (1) has (re)submitted an online proposal [FORM-A PART-I] on 11-12-2019 through FC Web Portal seeking approval under Section 2 of the Forest (Conservation) Act, 1980 for Diversion of 0.952 hectare of forest land in Uttarhalli Manavarthe (U.M.) Kaval Village Sy No. 38, Kengeri-3 Hobli, Bengaluru South Taluk, Bengaluru Urban District (Bengaluru Urban Division) for heightening of existing EHV Electrical Power Transmission Lines (two parallel lines) of 66 KV each. After acceptance of the proposal by Nodal Officer (FCA) for further processing, the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Bengaluru Urban Division and Deputy Commissioner, Bengaluru Urban District and has uploaded the Acknowledgment on the web portal on 01-01-2020. Accordingly, an online communication was made by Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Bengaluru Urban Division, Bengaluru for further processing of the proposal under FC Act.

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	Sy No.	Project Components	Forest extent proposed for diversion(ha)	Legal Status of Land
Bengaluru Urban District, Bengaluru South Taluk, Kengeri-3 Hobli	Uttarahalli Manavarthe (U.M.) Kaval	38	Transmission Line [Heightening of existing EHV Electrical Power Transmission Line (two parallel lines) of 66KV]	0.9518	Reserve Forest (UM Kaval State Forest)*
Total				0.952	

**Mysore Government Notification No.R-1748-Ft-183-15-10 dated 08-08-1916*

3. **DCF, Bengaluru Urban Division Report:** The Deputy Conservator of Forests, Bengaluru Urban Division, Bengaluru has inspected the site on 14-03-2020 and vide Ref (3) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Bengaluru Circle. Main features of the proposal based upon the Deputy Conservator of Forests, Bengaluru Urban report r/w report of Chief Conservator of Forests, Bengaluru Circle and that of ICT Centre of Forest Department are summarized below.

- a. The forest land proposed for diversion is not prone to soil erosion.
 - b. The forest land proposed for diversion is in general landscape of Eco-class III (Tropical Dry Deciduous Forests) with Open Forest (Canopy Density of <0.4).
 - c. As per Item 4(ii) of PART-II, there are 235 trees in different girth classes in the forest land proposed for diversion. Major species include *Leucaena leucocephala*, *Malotus philippensis*, *Albizia lebbeck*, *Syzigium cumini*, *Gmelina aroborea*, *Acacia leucophloea*, *Cassia siamea*, *Santalum album*, *Butea monosperma*, *Dalbergia latifolia*, *Wrightia tinctoria*, *Melia azadiracta*, *Pterocarpus marsupium*, *Pongamia pinnata*, *Terminalia bellerica*, *Ficus racemosa*, among others.
 - d. There are no major wild animals reported in and around the project area.
 - e. There are no 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. The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
 - h. There are no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc., within one kilometre of the forest land proposed for diversion.
 - i. There are no Protected/ Archaeological/ Heritage sites or Defence establishments or important monuments in the area.
 - j. There is no violation reported under the Forest (Conservation) Act, 1980.
 - k. The requirement of forest land for the project is bare minimum and unavoidable.
4. **CCF, Bengaluru Circle Report:** The Chief Conservator of Forests, Bengaluru Circle has not inspected the site personally. However, agreeing with the recommendations of the Deputy Conservator of Forests, Bengaluru Urban Division, the Chief Conservator of Forests, Bengaluru Circle has also recommended the proposal and vide Ref (4) has submitted his specific comments in Item 16 of PART-II/III of 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. 5-2/2017-FC dated 28-03-2019. **The User Agency has submitted an Undertaking dated 05-11-2019 to pay the Net Present Value (NPV) of the forest land proposed for diversion.**

6. **Compensatory Afforestation (CA):** Present proposal involves 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 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. As there are 235 trees on forest land reported in Item 4(ii) of PART-II of the proposal, 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. **The User Agency has already submitted an Undertaking dated 05-11-2019 to pay the Compensatory Afforestation charges.** Further, in view of the exemption from requirement of the CA land for the project, the information uploaded by the Deputy Conservator of Forests, Bengaluru Urban Division in Item 13 of PART-II of the proposal may be ignored.
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 is required to obtain the **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. **The User Agency has not obtained/ furnished the (copy of) such Certificate and therefore, is being informed once again to obtain the said certificate in prescribed format and submit a copy.**
8. **Additional remarks:** The requirement for the present proposal has arisen because of the Metro Rail Project undertaken by the Bengaluru Metro Rail Corporation Limited (BMRCL) which has planned an approach to a depot (which is in non-forest land) passing through forest land in the Uttarahalli Manavarthe (U.M.) Kaval State Forest. The said approach is passing under the High Tension Transmission Line (two parallel lines each of 66 KV) of Karnataka Power Transmission Corporation Limited (KPTCL) which is a pre-FCA line believed to have been commissioned and operational since 1965. The BMRCL can execute the

work on ground only if the said overhead transmission line is heightened. The BMRCCL has already obtained Stage-II approval under the Forest (Conservation) Act, 1980 for its proposal No. FP/KA/RAIL/30437/2017 (0.71 ha) vide Government of India letter F.No.4-KRB 1185/2019-BAN dated 04-06-2020 and accordingly the forest lease has been sanctioned by the Government of Karnataka vide Order No. FEE 62 FLL 2017 dated 28-07-2020. During the consideration of the aforesaid FC proposal, the Government of India while according the 'in-principle' (Stage-I) approval vide F.No.4-KRB 1185/2019-BAN dated 20-08-2019 had stipulated the following condition as one among several other conditions.

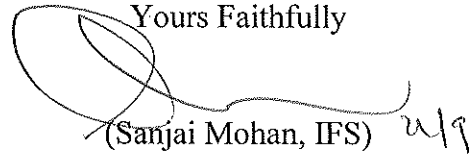
'Condition No.7: The KPTCL should submit a separate proposal for additional forest land, if required, for raising the height of towers in respect of transmission line passing through the proposed forest area before Stage-II approval.'

In order to comply with the above condition, the KPTCL (User Agency in the present proposal) has submitted this proposal.

In light of the facts stated above and agreeing with the recommendation made by the field officers, it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 0.952 hectare of forest land in Uttarahalli Manavarthe (U.M.) Kaval Village Sy No. 38, Kengeri-3 Hobli, Bengaluru South Taluk, Bengaluru Urban District (Bengaluru Urban Division) for heightening of existing EHV Electrical Power Transmission Lines (two parallel lines) of 66 KV each in favour of the Executive Engineer (Electrical), Karnataka Power Transmission Corporation Limited (KPTCL), Bengaluru Major Works Division, Bengaluru for a period of 20 years subject to submission of submission of RoFR Compliance Certificate in FORM-I (for Linear projects) and further subject to the conditions appended 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 of the proposal obtained from the FC webportal is also appended for information.


Yours Faithfully


(Sanjai Mohan, IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

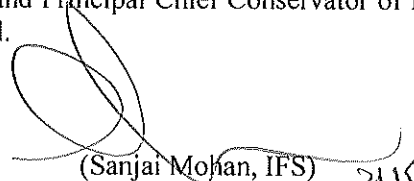
1. Chief Conservator of Forests, Bengaluru Circle, Bengaluru for information and further necessary action as stated below.


22-9-2020
4-15pm

2. Deputy Conservator of Forests, Bengaluru Urban Division, Chikkaballapur for information.
3. Executive Engineer (Electrical), Karnataka Power Transmission Corporation Ltd (KPTCL), Bengaluru Major Works Division, Anand Rao Circle, Bengaluru-560 009 for information and with a request to obtain and submit authenticated/ attested copies of the **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 at the earliest.

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 (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 lessee shall not sub-lease, mortgage & hypothecate the forest area.
5. The Lessee shall provide signages in appropriate dimensions and nature on both sides of the transmission line within forest limits for sensitisation 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.


(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 & 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 for moving the proposal to the Government of India for according 'in-principle' (Stage-I) approval for diversion of 0.952 hectare of forest land in Uttarahalli Manavarthe (U.M.) Kaval Village Sy No. 38, Kengeri-3 Hobli, Bengaluru South Taluk, Bengaluru Urban District (Bengaluru Urban Division) for heightening of existing EHV Electrical Power Transmission Lines (two parallel lines) of 66 KV each in favour of the Executive Engineer (Electrical), Karnataka Power Transmission Corporation Limited (KPTCL), Bengaluru Major Works Division, Bengaluru for a period of 20 years subject to submission of submission of RoFR Compliance Certificate in FORM-I (for Linear projects) and further subject to the conditions appended in Annexure 'A'.</p> <p>[Proposal No. FP/KA/TRANS/41479/2019]</p>
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Signature:

Name:

(RAJIV RANJAN, IFS)

Designation:

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

(Official Seal)

Countersigned by :

Name:

(SANJAL MOHAN, IFS)

Designation:

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

(Official Seal)

N.D.O. No. 64/2020-21

Date: 22-09-2020

