

No. M1/MNG/Windmill/CR-6/2002-03 / 1939 .
Incl: 05 Sets.

Office of the
Chief Conservator of Forests,
Ballari Circle, Ballari,
Date: 09-12-2022.

To,

The Principal Chief Conservator of Forests,
(Forest Conservation) and Nodal Officer (FCA),
Aranya Bhavan, Bengaluru.

Sir,

Sub:-Submission of renewal of lease proposal for 221.80 ha. of Forest land for Wind Power Project in Jogimatti and Marikanive RF. Earlier the same land has been diverted in favour of M/s. KREDL for sub lease to M/s. Enercon (India) Limited presently M/s. Wind World (India) Limited on BOT bases for the total area of 221.80 Ha. in Chitradurga district.

[Proposal No. FP/KA/WIND/43786/2020]

Ref:-1) Online communication from your office to Chitradurga Division on 22-5-2020.

2) Letter No. A6/Windmill/221.80/43786/CR-2/2020-21 dated: 03-12-2021 of the Deputy Conservator of Forests, Chitradurga Division, Chitradurga

With reference to the above cited subject, M/s KREDL sub leased to M/s. Enercon (India) Limited presently M/s. Wind World (India) Ltd., was accorded lease over an extent of 221.80 ha of forest land which is falling in the jurisdiction of Chitradurga, Holalkere, Hosadurga and Hiriyur Ranges respectively of Chitradurga Division, under section of 2 of FC Act, 1980 by the Government of India and Government of Karnataka respectively.

The Government of India, vide Stage-2 approval dated: 27-05-2003 and Government order dated: 20-06-2003 of Government of Karnataka had accorded approved for diversion an extent of 221.80 ha of forest land over a period of 15 years of lease. **(Copies enclosed as annexure 1 & 2)** As such said lease period was expired on 19-6-2018 itself.

Out of 221.80 ha of lease, M/s Wind world India Limited, Mumbai had earlier submitted the renewal proposal for 106.769 ha of forest land through online process on 09-01-2020 and forwarded from Nodal Officer to the Chitradurga Division office on 22-05-2020 **(Proposal No.FP/KA/WIND/43786/2020)**, vide ref (1) cited above.

In light of the directions issued by your goodself through online communication and after scrutinizing the online revised proposal for renewal of 221.80 ha. received from the above user agency, the Deputy Conservator of Forests, Chitradurga Division, Chitradurga in his letter (2) cited above has submitted the proposal to this office for renewal of 221.80 ha. as against the earlier approval accorded under FC Act, 1980.

The salient features of the proposal are as below;

Hosadurga Range:

- User agency erected 58 Wind Energy Converters (W.E.C) in Hosadurga range.
- It has utilised 97.762 ha of area of the Hosadurga range against the sanctioned 72.27 ha area. This is 25.492 ha in addition to the sanctioned area.
- The user agency has utilised 28.461 ha in excess within the allocated survey area while, 24.150 ha is in the fresh/unallocated survey numbers.
- User Agency has also 27.119 ha balance/un-utilised area from the sanctioned / allocated survey numbers.
- The details are provided in the area statement which is self explanatory.

HiriyurRange:

- User agency erected 34 W.E.C's in Hiriyur range.
- It has utilised 47.889 ha of area of the Hiriyur range against the sanctioned 78.07 ha area. This is 30.181 ha less in comparison to the sanctioned area.
- The user agency has utilised 4.131 ha in excess within the allocated survey area while, no (NIL) area was utilised as fresh/unallocated survey numbers.
- User Agency has 34.312 ha balance/un-utilised area from the sanctioned/ allocated survey numbers.
- The details are provided in the area statement which is self explanatory.

Chitradurga Range:

- User agency erected 35 W.E.C's in Chitradurga range.
- It has utilised 72.254 ha of area of the Chitradurga range against the sanctioned 62.76 ha area. This is 9.494 ha in excess in comparison to the sanctioned area.
- The user agency has utilised 2.490 ha in excess within the allocated survey area while, 21.122 ha. was utilised as fresh /unallocated survey numbers.
- User Agency has 14.118 ha balance/un-utilised area from the sanctioned / allocated survey numbers.
- The details are provided in the area statement which is self explanatory.

Holalkere Range:

- User agency erected 0 (Nil) W.E.C's in Holalkere range.
- It has utilised 3.895 ha of area of the Holalkere range against the sanctioned 8.70 ha area. This is 4.805 ha less in comparison to the sanctioned area.
- The user agency has utilised 0(Nil) ha in excess within the allocated survey area while, no (NIL) area was utilised as fresh/unallocated survey numbers.
- User Agency has 4.805 ha balance/un-utilised area from the sanctioned / allocated survey numbers.
- The details are provided in the area statement which is self explanatory.

Summary:

- The User agency has undertaken fresh DGPS survey, mapping and reports are submitted after the same.
- There is a deviation in terms of area utilised within the sanctioned survey number and outside the survey numbers. Also, some area from the sanctioned / allocated area was found un-utilised.
- Overall 35.082 ha of deviation was within the same allocated survey numbers, while 45.272 ha was utilised outside the allocated survey numbers which is immediate adjacent to the allocated survey number.
- Also, around 80.352 ha of the allocated area within the allocated survey number un-utilised.
- Overall the User was allocated 221.80 ha of forest land and the User agency has utilised 221.80 ha.
- In two of forest ranges viz. Hosadurga and Chitradurga, area utilised were more than the sanctioned area, while, for Hiriyur and Holalkere, utilised area was less than the sanctioned area.
- The change / shift / deviations/violations within the allocated / sanctioned survey number is likely to be because of DGPS survey gives very high accuracy while earlier offline proposal submitted was using old survey tools. Also, the latest development of technologies has resulted in high accuracy & digitized survey and village maps, which was not available around 20 years ago (Year 2002-2003). Also, it can be noted that High potential wind areas remains on the top of ridge / hills, and mapping with very high accuracy was difficult in those days. The recent DGPS survey took 2 months just for mapping the project components and another 1 month for fixing the deviations / violations by undertaking rigorous site inspections.
- The area utilised remains the same and no year-on-year increase observed. The project once installed and commenced, there is no further violations / deviations.
- In total area of 221.80 ha user agency has installed 127 Wind Energy Converters (WEC's)/Turbines.
- **Forest Rights Act Compliance:** The agency has also addressing **Forest Rights Act** (FRA-2006) compliance in parallel and proposal has been moved to 4 Sub Division Level Committees (SDLCs) viz. Hosadurga, Hiriyur, Chitradurga and Holalkere Thasildars (copy attached as **Annexure I**).

- **Jogimatti Wildlife Sanctuary:** The area was first constituted as Jogimatti State forest by the Government, his Highness the Maharaja of Mysore vide Notification A.F 144-Ft-142-38-8 dated 8th July 1940 u/s 17 of Mysore Forest Act (XI of 1900) to an extent of 38.8 square mile or 10048.97 hectares or 100.48 square kilometres.
- The forest has now been declared as Jogimatti Wildlife Sanctuary (WLS) vide notification no. FEE 77FWH 2015 Bangalore, dated 23rd December 2015 by the Forest Ecology and Environment Department, Government of Karnataka;in and its Eco-Sensitive Zone (ESZ) was declared vide MOEF&CC notification dated 17.12.2021.
- At the time of grant of the Stage II Forest Clearance (F. no. 8-84/2002 FC dt. 02.04.2003), the above mentioned Protected area status and ESZ declaration wasn't there. Also, the lease deed was signed between the Deputy Conservator of the Forests, Chitradurga Division and the lessee (Agreement no. 2/2003-04 dated dated 03.09.2003), for a period of 15 years and this was prior to declaration of reserve forest as a Jogimatti Wildlife Sanctuary.
- **However, as per the FC guidelines 12.3 contained in chapter 12, it is quite mandatory on the part of the user agency to obtain the Wildlife clearance from the Standing Committee- NBWL for carrying out the non-forestry activities within the protected areas since the part of the renewal area is falling within the Jogimatti Wildlife Sanctuary. Hence, this instant renewal proposal may be considered subject to the Wildlife Clearance from NBWL.**
- The GIM 1 project site area-76.149 ha (Coming under Chitradurga and Holalkere Ranges) forests is completely within the Jogimatti Wildlife Sanctuary (Core and ESZ) while VVS project site area is far away from Jogimatti Wildlife Sanctuary (Core and ESZ).

Since the user agency has asked for the renewal of the lease, we have asked the user agency to seek SC-NBWL approval. Accordingly, the User Agency had engaged Zoological Survey of India (ZSI-MOEF&CC) for undertaking the details survey (with prior permission from the PCCF-Wildlife and Chief Wildlife Warden; letter attached) wherein likely impact of the Wind Energy Project on the Wildlife. It is informed that the study is in progress and data for filing the wildlife clearance is being secured.

Area Statement: The Government of India and Government of Karnataka had accorded approval under Forest (Conservation) Act, 1980 to the above user agency for the establishment of the wind power project over an extent of 221.80 ha in the Reserve forest and Section-4 notified area falling in the jurisdiction of Chitradurga, Holalkere, Hosadurga and Hiriya ranges. The following are the Sy.Nos. Extent where FC approval was accorded and also details revealed as per site inspection are provided as table 1: Copy enclosed.

- As per the condition No.11 of Government Order dated: 20-06-2003 of Government of Karnataka, presently the operation of wind mills in Sy.No. 16 and 17 of Lakkihalli village have been stopped by the user agency due to non approval.

ABSTRACT:

1. The forest land proposed for renewal is falling in Chitradurga, Holalkere, Hosadurga and Hiriyr Ranges respectively in Chitradurga District for an extent of 221.80 Ha of forest land for already established Wind Power Project in Jogimatti and Marikanive Reserve forest diverted in favour of M/s KREDL for sub lease to M/s Enercon (India) Limited presently Wind World (India) limited on BOT basis for the total area of 221.80 Ha in Chitradurga district.
2. There are no rare/endangered/unique species of flora and fauna reported from the project site.
3. Proposed area is the bare minimum, unavoidable and hence the same is recommended for renewal.
4. Proposed forest area falls under Eco-class-III. Southern Tropical Scrub Jungle and project area being on the barren hill with predominantly scrub vegetation.
5. The proposed area of Holalkere and Chitradurga Range coming under the Jogimatti Wildlife Sanctuary and its Eco-Sensitive Zone.
6. The canopy density less than 10%, height less than 2mts, while the height of Wind Turbines is around 44 meters.
7. Major wild animals reported in the area are Sloth bear, Leopard, Wild Boar, Spotted deer, Indian Hare etc.
8. Apart from the Jogimatti Wildlife Sanctuary, there are no protected/ archaeological/heritage sites/defence/establishment located in the proposed area.
9. The forest area is open forest and prone for erosion and forest Fires.
10. No tree is required to be felled.

In view of the facts as explained above, the Deputy Conservator of Forests, Chitradurga in his report has stated that the above user agency has used an additional forest area overall 35.082 ha additional area within the same allocated survey numbers and 45.272 ha area outside the allocated survey numbers in the adjacent area. However, it is also reported by the Deputy Conservator of Forests, Chitradurga an area of 80.354 ha. which was diverted which have reported to have been unutilised and the same may be required to consider as within the FC lease area.


Further, it is quite pertinent to mention that as per the request made by the user agency to the Government of Karnataka, the GOK in its letter dated 04-04-2014 had explicitly taken the decision in the meeting to the effect that the user agency may be permitted to restart the stopped two wind mills (WECs No. E-67 & E-68) subject to the condition that the user agency shall pay penalty/fine if any that may be imposed by GOI/GOK as the case may be. However, it is reported by the Deputy Conservator of Forests, Chitradurga division, Chitradurga that since the said forest lease period was already expired on 19-06-2018 itself, as such the entire wind power related activities were already got stopped in the said lease area over an extent of 221.80 ha. till date.

In view of the facts as categorically detailed above and while agreeing with the self contained detailed report of the Deputy Conservator of Forests, Chitradurga the renewal proposal for 221.80 ha. in favour of M/s. Wind World India Limited, Mumbai may be considered in light of the chapter No.8 in handbook of Forest(Conservation) Act, 1980 and subject to the Wildlife Clearance from NBWL.

Yours faithfully,

Sd/-
Chief Conservator of Forests,
Ballari Circle, Ballari.

- 1) Copy to the Deputy Conservator of Forests, Chitradurga Division, Chitradurga for information.
- 2) Copy to M/s Wind World (India) Limited, Plot No. 9, Veera Industrial Estate, Andheri (West), Mumbai-400 053 for information.


o/l Chief Conservator of Forests,
Ballari Circle, Ballari.

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9/12/22

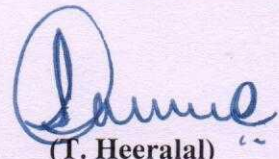
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PART-III

(To be filled by the concerned Chief Conservator of Forests)

1	Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection and observations made in the form of inspection note to be enclosed.	Yes. I have inspected the lease area on 20-11-2022 alongwith the Deputy Conservators of Forests, Chitradurga and recommended for renewal.
2	Whether the concerned Conservator of Forests agree with the information given in Part-II and the recommendations of Deputy Conservator of Forests.	I agree with the information given in Part-II and the recommendations of Deputy Conservators of Forests, Chitradurga.
3	Specific recommendation of concerned Conservator of Forests for acceptance of otherwise of the proposal with detailed reasons.	The renewal proposal for 221.80 ha. in favour of M/s. Wind World India Limited, Mumbai may be considered in light of the chapter No.8 in handbook of Forest (Conservation) Act, 1980.

Place: Ballari
Date: 08-12-2022


Signature: **(T. Heeralal)**
Seal : Chief Conservator of Forests,
Ballari Circle, Ballari.