



GOVERNMENT OF KARNATAKA

No. FEE 46 FLL 2017

Karnataka Government Secretariat,
M.S.Building,
Bengaluru, Dated:04/07/2017.

From
Additional Chief Secretary to Government,
Forest, Ecology and Environment Department,
M.S.Building, Bengaluru-560001

To:
Principal Chief Conservator of Forests
(Head of Forests Force),
Aranya Bhavan, Bengaluru-560 003.

Sir,

Sub: Diversion of 0.04166 ha. of forest land for electrification of unelectrified Adugundi hamlet at Madikeri sub Division under DDG Scheme in favour of the Executive Engineer, Chamundeshwari Electricity Supply Corporation Limited(CESC), O & M Division, Madikeri.(Solar Power)

Ref: 1.Letter No.A5(6)GFL.CR.56/2015-16, dated: 16.02.2017 of PCCF(HOFF) Bengaluru.
2. Government of India MoEF letter No.11-9/98-FC, dated:13.02.2014.

I am directed to invite your kind attention to letter dated: 16.02.2017 referred at (1) above, wherein prior approval of the State Government is sought for the above project under the Forest (Conservation) Act, 1980.

After careful consideration of the proposal, I am directed to convey the In- principle Stage-I approval under Section-2(ii) of Forest (Conservation) Act, 1980 for diversion of 0.04166 ha. of forest land for electrification of unelectrified Adugundi hamlet at Madikeri sub Division under DDG Scheme in favour of the Executive Engineer, Chamundeshwari Electricity Supply Corporation Limited(CESC), O & M Division, Madikeri as per general approval of Government of India dated: 13.02.2014 subject to the approval from the National Board for Wildlife and production of FRA certificate in Form-I issued by the Deputy Commissioner, Kodagu District as per guidelines issued by Ministry of Environment and Forests, New Delhi vide letter No.11-9/98-FC (Pt), dated 05-07-2013 by the User Agency and the compliance of following conditions.

1. Unless obtaining the approval from the National Board for Wildlife and production of FRA certificate by the Deputy Commissioner NO work should be commenced by the User Agency on the proposed forest land.

2. Permission is accorded for Solar Plant and laying underground cable to individual Houses for power transmission.
3. The legal status of forest land shall remain unchanged i.e. shall remain Reserved/Protected/Village/Unclassed/Other types of Forests/forest as the case may be.
4. The lessee shall pay lease rent as fixed by the Government from time to time.
5. The lease tenure is for a period of 20 (Twenty) years.
6. The leased out area shall 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 shall be forfeited resumed back. The concerned Chief Conservator of Forests/Deputy Conservator of Forests is authorised to take necessary action in this regard.
7. In case of any violations of stipulations/agreed conditions reported during the lease period, the lease shall be liable for forfeiture under Section 82 of Karnataka Forest Act, 1963. The concerned Chief Conservator of Forests is authorised to take necessary action in this regard.
8. No residential buildings shall be permitted in the proposed forest area.
9. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
10. The user agency has to pay the Net Present Value(NPV) of forest land diverted under this proposal as per conditions stipulated by Government of India, Ministry of Environment and Forests, New Delhi vide letter No.11-9/98-FC, dated: 13-02-2014 and orders dated 28-03-2008 and 9-5-2008 of the Hon'ble Supreme Court of India.
11. The user agency shall ensure that there should be no damage to the available fauna and other flora.
12. No labour camp shall be established on the forest land.
13. Any damage to forest area due to such works shall be compensated by the user agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
14. The Lessee shall not sub lease, mortgage or hypothecate the Forest area.
15. The user agency shall abide by all the conditions imposed upon by the Government of India, the Government of Karnataka and the Principal Chief Conservator of Forests(Head of Forest Force).

Along with the above conditions, this project is subject to following conditions as per guidelines issued by Government of India, Ministry of Environment, Forests and climate Change, New Delhi vide No.11-9/98-FC, dated: 13.02.2014(General Approval):

1. The forest land to be diverted for above mentioned specified activities should be less than one hectare in each case.

2. The clearance of such developmental projects shall be subject to the condition that the same is need based.
3. The project should not involve felling of more than fifty trees per hectare. Corresponding permissible limit of maximum number of trees to be felled for the forest area diverted, shall be in proportion to the extent of the diverted area.
4. The Nodal Officer (Forest Conservation) shall submit monthly report to the concerned regional office by 5th every month regularly regarding approval of such cases. In the event of failure, the exercise of power by the State/UT Government to grant such permission may be suspended by the Central Government for a specified period of time or till the information is submitted.
5. The user agency shall plant and maintain two times the number of trees felled on the diverted land to maintain the green cover at the project cost. Planting site for the purpose will be identified by the State Forest Department (Preferably within or in the surrounding area of the project). Only indigenous forest tree species shall be used for such plantations. Trees, if planted on the diverted area, will not be felled without the permission of the State Forest Department. Trees planted in surrounding area, will belong to State Department.
6. The permission granted by the State Government shall be subject to the monitoring by the concerned Regional Office of the Ministry of Environment and Forests.
7. The forest land shall not be used for any purpose other than that specified in the proposal. Any change in the land use without prior permission of the Central Government shall amount to the violation of Forest (Conservation) Act, 1980 Request of such changes shall be made to the Regional Office by the Nodal Officer (Forest Conservation) of the State / UT.
8. Entire process for settlement of rights in accordance with the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 shall be completed before grant of approval for diversion of such forest land.
9. Project shall not affect recognized rights of the primitive tribal communities and pre-agricultural communities and
10. The State Forest Department / State Government or the concerned Regional Office may impose from time to time any other condition in the interest of conservation, protection and / or development of forests.

The compliance report for the above referred proposal may be submitted for further needful action.

Yours faithfully,

L. Sharada 04.7.17
(L.SHARADA)

Under Secretary to Government,

Forest, Ecology and Environment Department.