

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು)ರವರ ಕಛೇರಿ

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,

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Old File No.A52K/GFL/CR-120/1997-98

E-office File No. KFD/HOFF/A52K(GFL)/114/2019-FC

E-96776

Date 08-05-2020

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 2.00 hectare of forest land in Sirsi Village F.Sy No. 232, Uttar Kannada District (Sirsi Forest Division) for existing Hand Made Paper Manufacturing Small Scale Industry in favour of M/s Sahyadri Papers, Near Industrial Estate, Banavasi Road, Sirsi, Uttar Kannada District [*originally a pre-FCA lease*]

Proposal No. FP/KA/IND//41643/2019 [FORM-B]

- Ref**
1. Government of Karnataka order No. AFD 213 FUL 72 dated 09/11-04-1973 [*original lease for 5 years*]
 2. Government of Karnataka order No. AFD 443 FGL 73 dated 27-03-1974 [*lease period modification for 15 years*]
 3. Government of Karnataka order No. AFD 443 FGL 73 dated 25-07-1974 [*lease period modification for 25 years*]
 4. Government of India, Ministry of Environment, Forest and Climate Change, Regional Office (Southern Zone), Bengaluru letter No. FCA/11.2/158/KAR/MISC dated 22-06-2000 [*Stage-II approval for a period of 10 years*]
 5. Government of India, Ministry of Environment, Forest and Climate Change, Regional Office (Southern Zone), Bengaluru letter No. 4-KRB 920/2012-BAN/7923 dated 20-01-2016 [*Stage-II approval for a period of 5 years w.e.f. 22-06-2010*]
 6. Government of Karnataka Order No. FEE 27 FLL 2012 dated 02-05-2016 [*sanction for renewal of lease*]
 7. Government of India, Ministry of Environment, Forests & Climate Change (FC Division), New Delhi letter F.No.1-6/2014-ROHQ

- dated 22-05-2019 *[informing to submit a fresh proposal for the part of the land without forest cover and under non-forest use]*
8. Government of Karnataka letter No. FEE 27 FLL 2012 dated 05-07-2019 *[communication of GOI letter dated 22-05-2019]*
 9. Online FC renewal proposal [FORM-B PART-I] dated 27-12-2019 (resubmitted) of M/s Sahyadri Papers, Sirsi, Uttara Kannada District r/w uploading of Acknowledgement on 03-02-2020 for having delivered the hard copies of proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner
 10. This office online communication dated 05-02-2020 to Deputy Conservator of Forests, Sirsi Division for further processing of proposal
 11. Online submission of PART-II on 27-02-2020 by Deputy Conservator of Forests, Sirsi Division r/w online reply dated 25-02-2020 by User Agency to EDS query of DCF *[letter No. A3/GFL/lease renewal/Sahyadri Papers/CR-61/2019-20 dated 25-02-2020]*
 12. Online submission of PART-III on 28-02-2020 by Chief Conservator of Forests, Kanara Circle *[letter No. B2/GFL/CR-121/1996-97 dated 28-02-2020]*

1. Background:

- a. **Original lease (Pre-FCA):** The Government of Karnataka vide Ref (1) had accorded sanction for lease of 5.00 Acre of forest land in Sirsi village F.Sy No. 232, North Kanara District in favour of Sri M.V. Joshi for establishing a small-scale industry for a period of 5 years. The lease period was further modified by the Government of Karnataka first to 15 years vide Ref (2) and then for 25 years vide Ref (3). The lease period expired in 1998.
- b. **First FC approval:** Subsequently, the Government of India vide Ref (4) had accorded Stage-II approval under Section 2 of Forest (Conservation) Act, 1980 for the project for an extent of 2.00 ha forest land for a period of 10 years w.e.f. 22-06-2000. Accordingly, the Government of Karnataka vide G.O. No. FEE 36 FLL 98 dated 30-09-2000 issued the formal sanction for the forest diversion.
- c. **First FC renewal:** The FC was further renewed by the Government of India vide Ref (5) for a period of 10 years w.e.f. 22-06-2010 subject to the condition that *the User Agency shall vacate the diverted forest by 21/06/2020*. Accordingly, the Government of Karnataka vide Ref (6) issued the formal sanction for renewal of the above forest lease of 2.00 ha subject to the condition that *the User Agency shall furnish and*

undertaking to the effect that they will vacate the diverted forest by 21/06/2020. The FC lease is thus going to expire on 22-06-2020.

- d. Subsequently, the Government of India vide Ref (7), quoting the request (from User Agency) for reconsideration of extension of lease period, sought a fresh proposal for the part of the land which does not have any forest cover and is under non-forest use.
- e. The same was communicated by the Government of Karnataka vide Ref (8) to this office, which has in turn informed the User Agency for further action in this regard.

2. Accordingly, M/s Sahyadri Papers, Sirsi, Uttar Kannada District [USER AGENCY] vide Ref (9) has (re)submitted an online FC renewal proposal in FORM-B PART-I through FC web portal on 27-12-2019 seeking approval under the Forest (Conservation) Act, 1980 for renewal of FC lease involving diversion of 2.00 hectare of forest land in Sirsi Village F.Sy No. 232, Uttar Kannada District (Sirsi Forest Division) for existing Hand Made Paper Manufacturing Small Scale Industry in favour of M/s Sahyadri Papers, Near Industrial Estate, Banavasi Road, Sirsi, Uttar Kannada District [originally a pre-FCA lease]. The proposal was accepted by Nodal Officer (FCA) and the User Agency was informed through FC web portal to deliver the hard copies of the proposal to the jurisdictional Deputy Conservator of Forests and Deputy Commissioner. After uploading of the Acknowledgement online by the USER AGENCY on 03-02-2020 for the same, the web portal link was forwarded by this office to the Deputy Conservator of Forests, Sirsi Division on 05-02-2020 Ref (10) 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.	Project Component	Forest extent proposed for FC renewal (ha)	Legal status of land
Uttara Kannada District, Sirsi Taluk & Hobli	Sirsi	232	Administrative Block and Finished Products Godown	0.0442	Reserved Forest
			Electricity Line and Transformers installed	0.2282	
			Factory and Production Building	0.1918	
			Labours Quarters and Rest Room	0.0217	

			Open Well (water source for factory)	0.0036	
			Internal Road	0.0245	
			Sun Dry Area 1	0.2737	
			Sun Dry Area 2	0.1553	
			Sun Dry Area 3	0.3956	
			Treated Waste Water Garden	0.6542	
			Solar Dryer	0.0072	
Total				2.00	

4. DCF, Sirsi Division Report: The Deputy Conservator of Forests, Sirsi Division has inspected the site on 24-02-2020 and vide Ref (11) has submitted Site Inspection Report along with other information in PART-II to the Chief Conservator of Forests, Kanara Circle duly recommending the proposal. Main features of the proposal as reported by the Deputy Conservator of Forests, Sirsi Division r/w the reports of Chief Conservator of Forests, Kanara Circle and also of ICT Centre of Forest Department are as follows.

- a. The forest land proposed for FC renewal is not much prone to soil erosion.
- b. The forest land proposed for FC renewal lies in general landscape of Eco-class - I (Topical Moist Deciduous Forests) with a Very Dense Canopy Density (> 0.6) in the wooded portion as per satellite imagery. *[Note: The blank entry in Item 4 (i) of PART-II of the proposal may be read accordingly.]*
- c. Major wild animals found in and around the area include the Wild pig, Snakes, etc.
- d. There are no rare endangered / unique species of flora and fauna reported in the proposed area.
- e. The forest land proposed for FC renewal does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc.
- f. The forest land proposed for FC renewal is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
- g. 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 FC renewal.
- h. There are no Protected/ Archeological/ Heritage Sites/ Defence establishments located in the area.

- i. There is no violation reported under Forest (Conservation) Act, 1980.
5. **CCF, Kanara Circle Report:** The Chief Conservator of Forests, Kanara Circle has inspected the site on 27-02-2020 and, agreeing with the recommendation by the Deputy Conservator of Forests, Sirsi Division, has vide Ref (12) has submitted his report in PART-III online with a recommendation.
6. **Net Present Value (NPV):** As per the Condition No.(3) of Stage-I approval dated 06-01-2014 in connection with FC renewal earlier, the User Agency has already paid an amount of Rs. 14,60,000/- towards the Net Present Value (NPV) to SB Account Number-344902010105421 of Karnataka CAMPA with Union Bank of India, Sundar Nagar, New Delhi 110003 on 02-01-2015 under UTR number SBINR2015010208302835 as reported to Government of Karnataka vide this office letter of even number dated 09-02-2015 (copy enclosed).
7. **Compensatory Afforestation (CA):** As per the condition No.(iii) of Stage-I approval dated 22-06-2000, the User Agency has paid an amount of the Compensatory Afforestation charges over double the extent of land to be renewed i.e., for 4.00 ha amounting to Rs.1,97,000/- (Rs.1,79,080/- paid on 01-03-2000 vide D.D No. 009904 as reported vide this office letter No. A5(2)/GFL/CR-120/97-98 dated 27-04-2000 (copy enclosed) and Rs.17,920/- paid on 10-02-2004 vide D.D No.840211. Further, the Compensatory Afforestation has already been raised during 2001-02 at Gopinathpura village F.Sy.No. 26 in Sirsi Range. This issue was part of FC renewal proposal submitted by this office vide letter No.A5(2)/GFL/CR-120/1997-98 dated 13-02-2012.
8. **Status of RoFR compliance:** The documents in this regard (Forest Rights Committee Resolution dated 08-03-2011, Gram Sabha proceedings, etc.) had already been submitted as part of FC renewal proposal submitted by this office vide letter No.A5(2)/GFL/CR-120/1997-98 dated 13-02-2012. 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. However, the necessity of obtaining the FRA Certificate in prescribed **FORM-II (for Non-linear projects) in accordance with the new guidelines may be decided by the Government of India.**
13. **Additional Remarks:** The Government of India vide Ref (5) letter dated 20-01-2016 had granted the Stage-II approval subject to the conditions that the User Agency shall vacate the diverted forest area by 21-06-2020. However, as per the letter dated 20-07-2018 (**copy enclosed**) of the User Agency addressed to State Bank of India and the letter dated 25-07-2018 (**copy enclosed**) of the Bank to the User Agency, it appears that the User Agency is in the process of seeking a long term business loan to tune of Rs. 1.70 crore for expansion of Industry and also that

the Bank desires the User Agency to get the extension of lease for the next 50 years.

In light of the facts stated above, it is requested to move to the Government of India for seeking approval under Section 2 of the Forest (Conservation) Act, 1980 for renewal of FC lease involving diversion of 2.00 hectare of forest land in Sirsi Village F.Sy No. 232, Uttar Kannada District (Sirsi Forest Division) for existing Hand Made Paper Manufacturing Small Scale Industry in favour of M/s Sahyadri Papers, Near Industrial Estate, Banavasi Road, Sirsi, Uttar Kannada District for a period of Ten(10) years with effect from 22-06-2020 subject to the conditions appended in ANNEXURE 'A'.

The present status (Time Line) of the proposal obtained from the FC web-portal is also appended for reference.

Yours Faithfully

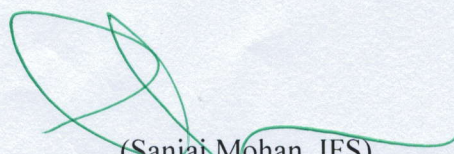
(Sanjai Mohan, IFS) 14/5/20
Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Chief Conservator of Forests, Kanara Circle, Sirsi for information.
2. Deputy Conservator of Forests, Sirsi Division, Sirsi for information.
3. Sahyadri Papers, Near Industrial Estate, Banavasi Road, Sirsi, Uttar Kannada District for information.

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. User Agency shall submit a Self-Compliance Report immediately on completion of every year during the lease period.
14. 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.
15. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
16. 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>(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 renewal of FC lease involving diversion of 2.00 hectare of forest land in Sirsi Village F.Sy No. 232, Uttar Kannada District (Sirsi Forest Division) for existing Hand Made Paper Manufacturing Small Scale Industry in favour of M/s Sahyadri Papers, Near Industrial Estate, Banavasi Road, Sirsi, Uttar Kannada District for a period of Ten(10) years with effect from 22-06-2020 subject to the conditions appended in ANNEXURE 'A'</p> <p>[Proposal No. FP/KA/IND/41643/2019]</p>
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Signature:

Name:

RAJIV RANJAN IFS

Designation:

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

(Official Seal)

Countersigned by :

Name:

SANJAY MOHAN IFS

Designation:

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

(Official Seal)

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

Date: /05/2020