



Government of Karnataka

R.P.A.D

No. FEE 26 FFM 2023 (e)

Karnataka Government Secretariat
Multistoried Buildings,
Bengaluru, Date:- 14-03-2023

From:

The Additional Chief Secretary to Government,
Forest, Ecology and Environment Department,
Bengaluru-560001.

To:

The Principal Chief Conservator of Forest (Head of Forest Force),
Aranya Bhavan, Malleshwaram,
Bengaluru-560003.

Sir,

Sub: Renewal of FC lease of 221.80 hectare of forest land in Jogimatti and Marikanive RF [Lakkihalli, Mykernahalli and nine (9) other villages] in Hosadurga, Hiriyuru, Holalakere and Chitradurga Taluk of Chitradurga District for already established Wind Power Project in favour of Karnataka Renewable Energy Development Limited (KREDL) for sub-lease to M/s Enercon (India) Limited [Presently M/s Wind World (India) Limited] on BOT basis.

Proposal No.:FP/KA/WIND/43786/2020

- Ref:** 1. Your Office letter No:KFD/HOFF/A5-2(GFL)/143/2019-FC, Dated:16-02-2023.
2. The Ministry of Environment, Forest and Climate Change (IRO) letter No: F.No. F©A/11.3/146/KAR/MISC/1309, Dated: 13-02-2023.

With reference to the above subject, the proposal submitted vide letter cited under reference (1) is perused. Your attention is drawn towards the Government of India's letter vide cited under reference (2) and I am directed to request you that, you may kindly furnish the information sought by Government of India and resubmit the proposal by incorporating the information sought by Government of India.

Yours faithfully

(M. Manjunatha)

Under Secretary to Government

Forest, Ecology and Environment Department (Forest-C)

Copy to:

1. The Principal Chief Conservator of Forests (HoFF), Aranya Bhavana, Malleshwaram, Bengaluru.
2. SGF/Spare Copies.



सत्यमेव जयते

भारत सरकार
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE
CHANGE

समन्वित क्षेत्रीय कार्यालय
INTEGRATED REGIONAL OFFICE

Kendriya Sadan, IVth Floor, E& F Wings, 17th Main Road,
IInd Block, Koramangala, Bangalore - 560 034.
Tel.No.080-25635905, E.Mail: ros.z.bng-mef@nic.in



F.No. F@A/11.3/146/KAR/MISC/
Dated the 13th February, 2023

1309

To

The Additional Chief Secretary to the Govt. of Karnataka,
Forests, Environment & Ecology Department,
M.S. Building, Dr. Ambedkar Veedhi,
Bangalore - 560 001.

Subject: Request for modification /change of condition of Stage-II Forest Clearance granted to Wind Power Project (FP/KA/Wind/43786/2020) from existing lease grant of 15 years to 30 years -reg.

Sir,

I am directed to refer to Ministry's letter No.FC-11/11/2023-FC dated 27/01/2023 on the above subject. In this regard, it is informed that the details of Compensatory Afforestation raised in lieu of the diversion of 221.80 ha. of forest land for establishment of Wind Power Project in favour of KREDL for sub-lease to M/s. Enercon India Ltd on BOT basis in Chitradurga District as sought by this office vide letter dated 30/11/2018 (copy enclosed) is yet to be received in this office. It is, therefore, requested that the details of CA carried out along with KML files and status of its notification as PF/RF may kindly be furnished to this office, at the earliest. The details of compliance of other conditions stipulated vide Ministry's letter No.8-84/2002-FC dated 02/04/2003 and additional conditions stipulated by this office vide letter No.F(C)/A/11.3/146/KAR/MISC/1065 dated 28/07/2004 may also be furnished at the earliest.

Yours faithfully,

(M.K.Shambhu)

Deputy Inspector General of Forests (Central)

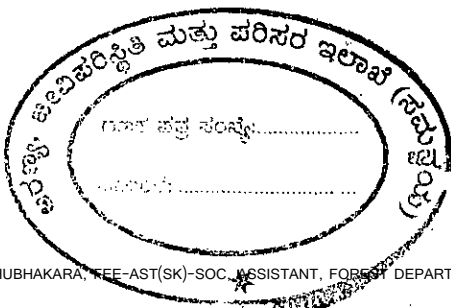
Encl: As above

Copy to:-

1. The Assistant Inspector General of Forests (FC), Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhavan, Aliganj, Jor Bagh Road, New Delhi - 110 003
2. The Principal Chief Conservator of Forests (HoFF), Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore - 560 003.
3. The Principal Chief Conservator of Forests (FC) / Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore - 560 003.
4. M/s. Wind World (India) Ltd, Wind World Towers, Plot No.A-9, Veera Industrial Estate, Veera Desai Road, Andheri West, Mumbai -400 053.

(M.K.Shambhu)

Deputy Inspector General of Forests (Central)



Email

Request for modification / Change of condition Stage-II forest Clearance granted to Wind Power Project (FP/KA/WIND/43786/2020) from existing lease grant of 15 years to 30 years. –regarding.

From : SURJEET KUMAR <surjeet.88@gov.in>

Fri, Jan 27, 2023 02:49 PM

Subject : Request for modification / Change of condition Stage-II forest Clearance granted to Wind Power Project (FP/KA/WIND/43786/2020) from existing lease grant of 15 years to 30 years. –regarding.

4 attachments

To : prs-fee@karnataka.gov.in, pccfkar@gmail.com, apccffc@gmail.com, MoEF & CC IRO Bangalore <rosz.bng-mef@nic.in>

Cc : DHEERAJ MITTAL <gj178.ifs@nic.in>, jiju J.S. <jiju.jairaj@gov.in>

Respected sir/Madam

I am directed to forward the copy of letter dated 27.01.2023 (copy enclosed) w. r. t the above cited subject for further necessary action please.

Surjeet Kumar,
Forest Conservation Division,
05th Floor Agni Wing,
Ministry of Environment, Forest and Climate Change,
Government of India, New Delhi.
+91-9213896759



सत्यमेव जयते

कृपया इस ई-मेल के प्रिंटिंग से पहले पर्यावरण पर विचार करें, जब तक अति आवश्यक ना हो इस ई-

मेल का प्रिंट ना ले, पेपर बचाए, वृक्ष बचाए।

Please think twice before printing this email, don't print this e-mail unless it's really necessary, save paper, save tree.....

FC-11/11/2023-FC

I/37860/2023

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Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj
New Delhi-1100 03
Dated: January, 2023

To

The Addl. Chief Secretary (Forests),
Department of Environment & Forests,
Government of Karnataka,
Bangalore.

Sub: Sub: Request for modification / Change of condition Stage-II forest Clearance granted to Wind Power Project (FP/KA/WIND/43786/2020) from existing lease grant of 15 years to 30 years. –regarding.

Sir,

I am directed to enclose herewith a copy of the letter dated 28.12.2022 received from Wind Power India Limited, on the above mentioned subject.

In view of the above the Government of Karnataka is requested to examine the matter and furnish the comments to this Ministry.

Encl.: As above

Signed by Dheeraj Mittal
Date: 27-01-2023 12:06:36

Yours faithfully,

(Dr. Dheeraj Mittal)
Asstt. Inspector General of Forest

Copy to:

1. The PCCF (HoFF), Government of Karnataka, Bangalore.
2. The Nodal Officer (FCA) Department of Forest, Government of Karnataka, Bangalore.
3. The Regional Officer, Integrated Regional Office, Bangalore of MoEF&CC for providing comments in this regard.
4. The Wind Power India Limited, Maharashtra, for information.

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To,

28.12.2022

The Inspector General of Forests (GF),
Ministry of Environment, Forests & Climate Change, Government of India
New Delhi-110003
Kind attention: Shri Ramesh Pandey IFS

Subject: Request for modification / Change of condition Stage II Forest Clearance granted to Wind Power Project (FP/KA/WIND/43786/2020) from existing lease grant of 15 years to 30 years reg.

Reference:

1. Stage II Forest Clearance letter (F. No. 8-84/2002 FC dt. 02.04.2003)
2. Proceedings of Govt. of Karnataka & Order (No. FEE 99 FCL, 2001 Bangalore dt. 20.06.2003)
3. Ministry of Environment, Forest and Climate Change (MoEF&CC) Guidelines (F. No: 8-84/2002-FC dated 14.05.2004) to the projects that were sanctioned prior to 14.05.2004
4. Stage II FC Letter for EP Project, Karnataka (No. 8-89/2000 dt. 27.03.2001)
5. MOEF&CC Circular / notification (No.FC-11/43/2021-FC 22.03.2021)

Dear Sir,

We introduce ourselves as a pioneer Wind Turbine manufacturing company /Generators in India. We have installed more than 6204 WEGs in india with a total installed capacity exceeding 4561 MW.

One of our Wind Power Projects in Karnataka (77.6 MW) involving 221.80 Ha of Forest Land in Jogimatti and Marikanive Reserve Forest, in Chitradurga district of Karnataka, was granted vide Stage II Forest Clearance letter (F.No.8-84/2002 FC dated 02.04.2003), a copy of which is enclosed herewith. in the said letter no term for lease period was mentioned. However, the order issued by Govt of Karnataka; vide proceeding /order (No. FEE 99 FGL dated 20.06.2003) it is mentioned that the "lease period as 15 years in the first instance." Sir, this was contrary to the norms prescribed by MOEF&CC that all the wind projects from the inception were given 30 years lease. We invite your attention to the FC Stage II letter (No. 8-89/2000 dt. 27.03.2001) by your office, as an example, wherein the lease period mentioned was 30 years, (ref. 4 above).

We therefore feel that the adding condition of granting of 15-year lease (as a first instance) to our above said wind project was arbitrary by the State Government and it is contrary to the MOEF&CC Circular / notification (ref. 3 and ref. 5 above) where it is categorially stated that "A State Government/UT Administration will not impose any additional condition after in-principle approval has been accorded. However, in exceptional situations, giving due justifications, additional condition may be imposed with the prior approval of the Central Government".

Sir, as you may be aware, the certified operational life of Wind Turbine is 25 to 30 years, and hence it is essential that the lease period is 30 years for all wind projects (ref. 3 above). We therefore request you to kindly use your good offices to rectify this anomaly and modify / change the lease period condition from existing 15 years to 30 years at your earliest.

Handwritten notes:
Kindly examine and put up to 29/12/22
D.G.(FC)

Wind World (India) Limited

Corporate Office
Wind World Towers, Plot No. A - 9, Veera Industrial Estate,
Veera Desai Road, Andheri (West),
Mumbai - 400 053. Maharashtra, India
Tel.: +91-22-66924848 | Fax: +91-22-67040475

Regd. Office & Plant
Survey No. 33, Daman Patalia Road, Bhimpore,
Daman (U.T.) - 396 210. India
Tel.: +91-260-222 0624/222 0628 | Fax:+91-260-222 1508




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Sir, presently, the Forest Department has stopped us from operating the Wind Turbines (77.6 MW) installed in the above area in Karnataka, which are under the Power Purchase Agreement (PPA) with the State Discoms by 38 stake holders. Therefore, pending the modification of Stage II FC condition from the existing 15 years to the revised 30 years, kindly allow us to operate the Wind Turbines for enabling us to supply the energy to the State Discoms as mandated by the PPA. A self-certified compliance report to the Stage II FC conditions is attached to this letter for your ready reference.

We shall be most grateful for an early action as requested above.

Thanking you,
For Wind World India Ltd.


Authorised Signatory
Encl: as referred above

Wind World (India) Limited

Corporate Office
Wind World Towers, Plot No. A - 9, Veera Industrial Estate,
Veera Desai Road, Andheri (West),
Mumbai - 400 053, Maharashtra, India
Tel.: +91-22-66924848 | Fax: +91-22-67040473

Regd. Office & Plant
Survey No. 33, Daman Fataa Road, Bnimpore,
Daman (U.T.) - 396 210, India
Tel.: +91-260-222 0624/222 0628 | Fax: +91-260-222 1508



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Government of India
Ministry of Environment & Forests
F.C. Division

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.

To
The Principal Secretary (Forests),
Government of Karnataka
M.S. Building, Bangalore.

Sub: Diversion of 221.80 ha. forest land for establishment of wind power project in favour of M/s KREDL for sub-lease to M/s Enercon (India) Ltd. on BOT basis in District Chitradurga, Karnataka.

Sir,

I am directed to refer to your letters No. FEE 99 FGL 2001 dated 17.6.2002 and 26.03.2003 on the above mentioned subject seeking prior approval of the Central Government in accordance with Section-2 of Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section 3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government and on the basis of the recommendation of the above mentioned Advisory Committee, the Central Government hereby conveys its approval under Section-2 of the Forest (Conservation) Act., 1980 for diversion of 221.80 ha. forest land for establishment of wind power project in favour of M/s KREDL for sub-lease to M/s Enercon (India) Ltd. on BOT basis in District Chitradurga, Karnataka subject to the following conditions:-

- (a) Legal status of forest land shall remain unchanged.
- (b) Compensatory afforestation shall be raised over equivalent non-forest land at the project cost.
- (c) The non-forest land transferred to Forest Deptt. for compensatory afforestation shall be declared Protected forest / Reserve forest under Indian Forest Act, 1927.

- (d) It shall be ensured that wind farm is erected/designed in such a manner to avoid future damage due to high velocity winds, so that adjoining vegetation is not damaged.
- (e) The forest land shall not be used for any purpose other than that specified in the proposal.
- (f) The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environmental Protection Act, 1986, if applicable.
- (g) Any other condition that the State Govt. or the Chief Conservator of Forests (Central), Regional Office, Bangalore may impose from time to time in the interest of afforestation and protection of forests.

Yours faithfully,

(R . K . GUPTA)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Karnataka, Bangalore.
2. The Nodal Officer, Office of the PCCF, Government of Karnataka, Bangalore.
3. The Chief Conservator of Forest (Central), Regional Office, Bangalore.
4. M/s Enercon (India) Limited, # 208, Prestige Centre Point, Cunningham Road, Bangalore-52
5. RO(HQ.)
6. Guard File.
7. Dr. V.K. Bahuguna, IGF(FC).

(R . K . GUPTA)

Assistant Inspector General of Forests

56k (2)

Sub: Diversion of 221.80 ha. of forest land for establishment of wind power project in favour of M/s KREDL for Sub-lease to M/s Enercon(India) Ltd. on BOT basis in District Chitradurga, Karnataka.

- READ:**
1. Letter No. A5(S)GFL/ENCR/CR-5/2001-02, dt: 21.1.2002 of Principal Chief Conservator of Forests, Bangalore.
 2. State Government letter No.FEE 99 FGL 2001 dt: 17.06.2002.
 3. Government of India Lr.F No.8-84/2002-FC dt: 09.8.2002 of the Ministry of Environment and Forests,(F.C.Division), New Delhi.
 4. Letter No. A5(S)GFL/ENCR/CR-5/2001-02, dt: 10.3.2003 of Principal Chief Conservator of Forests, Bangalore.
 5. State Government letter No.FEE 99 FGL 2001 dt: 26.03.2003.
 6. Government of India Lr.F No.8-84/2002-FC dt: 02.4.2003 of the Ministry of Environment and Forests. (F.C Division), New Delhi

PREAMBLE:

The Principal Chief Conservator of Forests, Bangalore vice his letter dated: 21.01.2002 read at (1) above, has submitted proposal to State Government under Section 2 of Forest (Conservation) Act,1980 for diversion of 221.80ha. of forest land for non-forestry purpose for setting up of Wind Farm at Jogimatti Reserve

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Forest. Marikanive Reserve Forest, Lakkiahalli Village in Chitradurga Forest Division in favour of M/s Enercon (India) Ltd., Bangalore subject to certain conditions.

Accordingly, the proposal was recommended to Government of India, for approval vide State Government letter dated 17.06.2002 read at (2) above.

Government of India, Ministry of Environment and Forests, New Delhi has agreed to the proposal in-principle (Stage-I) vide their letter dated 09.08.2002 read at (3) above for diversion of 221.80 ha. forest land for establishment of Wind Power Project in favour of M/s Karnataka Renewable Energy Development Ltd. for sub-lease to M/s Enercon (India) Ltd., on BOT basis in Chitradurga District subject to fulfillment of certain conditions.

The compliance report has been furnished by the Principal Chief Conservator of Forests, Karnataka vide their letter dated 10.3.2003 read at (4) above and the same has been sent to Government of India, vide State Government letter dated 26.03.2003 read at (5) above.

The Government of India, Ministry of Environment and Forests, New Delhi vide letter dated 02.04.2005, read at (6) above, has conveyed its approval under Section (2) of Forest (Conservation) Act, 1980, for diversion of 221.80 ha. of forest land for establishment of wind power project in favour of M/s KRFDL for sub-lease to M/s Enercon (India) Ltd., on BOT basis in District Chitradurga subject to certain conditions.

The proposal has been examined and the following order are issued:

GOVERNMENT ORDER NO. FEE 99 FGL 2001,
BANGALORE, DATED: 20/06/2003

In the circumstances explained above in the preamble, Government are pleased to accord sanction under Section 2 of Forest (Conservation) Act, 1980 for diversion of 221.80 ha. of forest land for establishment of Wind Power Project in favour of M/s Karnataka Renewable Energy Development Ltd (KREDL) for sub-lease to M/s Enercon (India) Ltd., on BOT basis in district Chitradurga subject to the followings terms and conditions:

1. The Legal status of forest land shall remain unchanged.
2. The lessee shall pay the lease rent as fixed by the Government from time to time.
3. ~~_____~~
4. Compensatory afforestation shall be raised over equivalent non-forest land at the project cost
5. The non-forest land transferred to Forest Department for compensatory afforestation shall be declared Protected Forest/Reserve Forest under Indian Forest Act, 1927.
6. It shall be ensured that Wind Farm is erected/ designed in such a manner to avoid future damage due to high velocity winds, so that adjoining vegetation is not damaged.
7. The leased out area should be used for the purpose for which it is granted. In case, the land is not used for stipulated purpose or when it no longer needed for the stipulated purpose the area should automatically revert back to the Forest Department.
8. The user agency shall deposit funds for raising compensatory plantations at the rate of prevailing at the time of sanction (At present it is Rs. 54,200/- per ha.)
9. The user agency has to pay the extraction charges of tree growth and value of the timber and firewood so extracted as assessed by the Conservator of Forests/Deputy Conservator of Forests.

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10. The approval under the Forest (Conservation) Act. 1980 is subject to the clearance under the Environmental Protection Act. 1986, if applicable.
11. Out of the 11 WEGs proposed to be erected in Sy.No.16 and 17 of Lakkihalli village. 02 WEGs (No.E 67 and E 68) which are facing the VVSD, at Chaturigudda shall not be erected in order to prevent soil erosion affecting the VVSD. The road proposed for the access to remaining 09 WEGs i.e. E 77 to E 69 should be shifted from the aspect facing VVSD to the other aspect of the ridge in Sy. No.16 and 17 of Lakkihalli to prevent run-off of the soil to the reservoir. The user agency shall also take precautionary measures like construction of retaining walls, revetments etc. to prevent soil erosion which is likely to be caused by the construction of platforms for installation of WEGs and roads.
12. Any other conditions stipulated by Government of India/ State Government/ / Principal Chief Conservator of Forests, Karnataka may impose from time to time in the interest of afforestation and protection of forest.

By order and in the name of the
Governor of Karnataka

V. S. R. Vatsala
(S.R.VATSALA)

Under Secretary to Government,
Forest, Ecology and Environment Department.

To:

The Compiler, Karnataka Gazette, Bangalore, with a request to publish in the next issue of official Gazette and supply 50 copies each to Government and to Principal Chief Conservator of Forests, Aranya Bhavan, Bangalore.

Copy to:

- The Director General of Forests and Spl. Secretary to Government of India, Ministry of Environment and Forests, (FC Division), Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-110003.

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2. The Chief Conservator of Forests,(Central) Government of India,Ministry of Environment and Forests. Regional Office, Southern Zone, Kendriya Sadana, 17th ma.n. II Block, Koramangala, Bangalore-34.
3. Accountant General (Accounts-I & II)/(Audit-I & II): Karnataka. Bangalore.
4. The Principal Chief Conservator of Forests. Aranya Bhavan, Bangalore.
5. The Nodal Officer, O/o PCCF. Aranya Bhavan, Bangalore.
6. The District Commissioner, Chitradurga District, Chitradurga.
7. Conservator of Forests, Bellary Circle, Bellary.
8. Deputy Conservator of Forests, Chitradurga.. Division, Chitradurga.
9. M D KREDL, No.19, Maj. Genl Loganandun, INA Cross, Queens Road, Bangalore-560 052.
- 10 M/s Enercon(India) Ltd., No.208, Prestige Central Point. Cunningham Road, Bangalore-52.
- 11 SGF/Spare copies.

RK.

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~~FC-11/11/2023-FC~~

Government of India
Ministry of Environment and Forests
F.C. Division

Paryavaran Bhawan,
CGO Complex
Lodhi Road, New Delhi-110003

Dated: 14.05.2024

To,

1. The Chief Secretary/Administrator
2. The Principle Secretary (Forests)
3. Principle Chief Conservator of Forests
(All States/Uts).

Sub: - Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980-For projects utilizing wind Energy thereof.

Sir,

Please refer to the policy issued by the Central Government for diversion of forest land for projects utilizing Wind Energy under the Forest (Conservation) Act, 1980 vide Ministry of Environment & Forests, letter of even number dated:- 10.11.2003. In this context, subsequently the Ministry of Environment & Forests has received some representations from various stakeholders seeking certain modifications in the policy guidelines to make it more compatible with the Indian conditions and available technology. Accordingly, a meeting of stakeholders was called by the Ministry of Environment & Forests on 13.04.2004 to discuss these issues, which was attended by representative of Ministry of Non-Conventional Energy Sources, Government of India; Government of Karnataka, Maharashtra, Rajasthan besides the representatives of Indian Wind Turbine Manufactures's Association, Indian Wind Energy Association and various other stakeholders.

The stakeholders have represented on certain points of policy guidelines. These issues were discussed at length in the meeting. After taking a holistic view on the existing technology available in the country and need to promote the investment in environment friendly energy sector and after careful examination of the technical issues with the State Governments and user agencies, the Government hereby, approves modifications in the already issued guidelines.

Therefore, in suppression of the guidelines issued vide letter of even number dated :- 10.11.2003, the Central Government hereby issues the following guidelines.

1. In order to have a long term view on energy sources, the State/UT Governments should fix the ratio of the wind energy with respect to other sources of energy in advance i.e. the ratio of thermal, nuclear, wind energy in the State/UT

- (ii) The Wind energy farm shall be located at a safe distance from the sites mentioned para 2 (i)
 - (iii) The wind energy tips of the wind turbine shall be painted with orange colour to avoid bird this. The State Government should take sufficient precaution in considering the location of the wind mills so that it should not stand in the migratory path of the birds and should not be near the breeding sites of the migratory birds as the turbine of the wind mill produces a humming sound, which may cause disturbance for the avian habitat.
 - (iv) The distance of the wind mill turbines from the highways, village habitation shall be at a safe distance, and in normal course, a distance of 300 metre would be considered safe.
3. (i) A large number of small wind turbines, together with their access paths, will constitute more disturbance to the forest area than a small number of large turbines. Large size wind turbines upto 4.5 MW capacity are being now utilized in most of the countries. Large size wind turbines are not only cost effective and generate substantially more power but also need less forest land. Therefore, as the technology is available, in forest areas the wind mills of less than 500 KW power generating capacity shall not be allowed. However, within the perimeter of wind farm having at least 500 KW power generating capacity turbines, smaller turbines may be allowed for optimization of wind energy.
- (ii) If the terrain permits, wind mills of capacity of atleast 1 MW should be installed in order to ensure optimal use of forest land. However, this condition shall not be applicable to the proposals involving wind mills of 500 KW and above but below 1 MW power generating capacity, already in pipeline or pending before the State Government/Central Government as on date.
 - (iii) As an exception, "Stand alone" wind mills upto 10 KW off grid (Where no transmission grid is needed) shall be allowed in the forest areas, so that developer could strive for providing electricity in remote rural areas.
 - (iv) Wind energy sector is witnessing rapid technological innovation at the global level through research and development activities. In order to bring latest technology, after a period 3 years, the Ministry will review the situation and technology available to consider any further changes. The policy will be further reviewed after 5 years in order to see if the wind mills of high power generations capacity on the forest land could be promoted. The wind farm developers should therefore, be encouraged and motivated to adopt latest technology best at par in the world.
 - (v) ~~The lease period initially shall be for a period of 30 years.~~ The forest land will first be leased in favour of the developers and within a period of 4 years of State-II approval, the lease shall be transferred in the name of investors/power producers. In case the developers fail to develop wind farms, the land shall be reverted back to Forests Department without any compensation.
 - (vi) The proposal shall include requirement of forest land inclusive of the corridors between the successive wind mills, statutory buildings earthing pits, transmission lines and road including provision for repose, breast walls, drain, curvature etc.
 - (vii) Details of alternatives explored on non-forest lands shall be clearly given in the proposal.
 - (viii) Since the output of the wind mill is only 25% of its capacity, cost benefit analysis of the project would be an essential requirement. Details of employment generated, cost of

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4. In order to plan the wind farms on the forest land systematically, reconnaissance survey etc. as allowed in other cases. shall be allowed for wind farms development also in accordance with para 1.3 (i) of the guidelines issued under the Forest (Conservation) Act, 1980. For this purpose, the developers should ensure that "Wind Metmast" are erected in forest areas for wind mapping covering an area of not more than 50 m X 50 m @ one Wind Mast for every 500 hectare. A one time payment of Rs. 1.00 lakh per wind mast shall be further utilized for forest conservation activities and providing gas connections to the forest dependent communities. The wind mast shall be removed maximum after two years. Further, wherever wind data is already available, erection of wind mast shall not be mandatory. After the wind density and other technical parameters are ascertained, the proposal shall be forwarded by the State/UT Forest Department to the Central Government, for diversion of forests land for establishment of wind farms. However, existing proposals in the pipeline or under consideration at various stages, shall be dealt with according to the guidelines and parameters issued for different wind density regions by the Ministry of Non-conventional Energy Sources, Government of India.

5. A lease rent of Rs. 30,000/- per MW for the period of lease in addition to compensatory afforestation, net present value etc shall be charged from the user agency. This amount shall be utilized in providing gas connections to the local villages under the Joint Forest Management Programme and for other conservation measure. This amount shall be deposited with Compensatory Afforestation Management and Planning Agency (CAMPA).

6. (i) Due to high wind velocity, most of the area where the wind farms are being established are having scrubby vegetation devoid of large size trees. Around 65% to 70% lease out area in the wind farms shall be utilized for developing medicinal plant gardens, wherever feasible, by the Forest Department at the cost of the User Agency. The State/UT Governments could also take help of National Medicinal Plant Board in properly creating corridors of medicinal plant gardens. The intervening areas between two wind mills footprints should also be planted up by dwarf species or trees at the project cost.

(ii) Soil & Moisture conservation measures like contour trenching shall be taken up on the hillocks supporting the wind mill.

7. The alignment of roads shall be done by a recognized firm and got approved by the Divisional Forest Officer concerned. Further, the transmission lines from the farms to the grid as far as possible should also be aligned collaterally along the roads.

8. The wind turbines/which mills to be on forest land shall be approved for use in the country by the Ministry of Non-Conventional Energy Sources, Government of India.

The States/UTs should follow these guidelines while considering proposals for diversion of forest lands for establishment of wind energy farms on forest lands.

This issues with the approval of the competent authority.

Yours faithfully,

Sd/-

(Dr. V.K. Bahuguna)

Inspector General of Forests

Copy to :-

1. The Secretary Ministry of Non-conventional Energy Sources, Govt. of India, C.G.O Complex, New Delhi.
2. The Secretary (Power), Govt. of India, New Delhi.
3. Nodal Officers- All States/UTs.
4. All Regional Offices of this Ministry
5. Director (FC), AIGs (FC).
6. General Manager, M/s KREDL, Government of Karnataka
7. General Manager, M/s MEDA, Government of Maharashtra
8. General Manager, M/s RREC, Government of Rajasthan.
9. Director (Technical) NIC, with a request to place these guidelines on website.
10. Indian Wind Turbine Manufacturers' Association
11. Indian Wind Engery Association
12. File No. 2-1/2003-FC
13. Guard File.

Sd/-

(Dr. V.K. Bahuguna)

Inspector General of Forests

142 Hectare

30.3-0)

9/2000-FC

Government of India
Ministry of Environment and Forests
F.C. Division

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.

To,
The Principal Secretary (Forests)
Govt. of Karnataka
Bangalore

Sub: Diversion of 142.527 hectare forest land for setting up wind farm in favour of M/s KREDL, Distt. Chitradurga.

Sir,

I am directed to refer to your letters No.FEE 193 FGL 2000 dated 30.8.2000, 10.10.2000 and 7.3.2001 on the above mentioned subject seeking prior approval of the Central Govt. in accordance with Section-2 of Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section 3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government, the Central Government hereby conveys its approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 142.527 hectare forest land for setting up wind farm in favour of M/s KREDL, Distt. Chitradurga subject to following conditions:-

- a. Legal status of forest land shall remain unchanged.
- b. Compensatory afforestation shall be raised over equivalent non-forest land at the project cost which shall be declared Protected forest / Reserve forest under Indian Forest Act, 1927.
- c. Compensatory afforestation should be started from the next planting season.
- d. No tree-felling of trees would be carried out.
- e. M/s KREDL may in turn sub-lease the area to M/s. Enercon India Ltd. on BOT basis.
- f. It shall be ensured that wind farm is erected/designed in such a manner to avoid future damage due to high velocity winds, so that adjoining vegetation is not damaged.
- g. ~~Provisions of Section 3 of the Forest (Conservation) Act, 1980 will be~~ which may be extended subject to performance of the project.

- h. The forest land shall not be used for any purpose other than that specified in the proposal.
- i. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environmental Protection Act, 1986, if applicable.
- j. Any other condition that the State Govt. or the Chief Conservator of Forests (Central), Regional Office, Bangalore may impose from time to time in the interest of afforestation and protection of forests.
3. This is to further clarify that construction of transmission lines and roads in the forest land is a non-forestry activity and as such compensatory afforestation can not be dispensed with.

Yours faithfully,

(R. K. GUPTA)

Asst. Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Karnataka, Bangalore.
2. The Nodal Officer, Office of the Principal Chief Conservator of Forests, Government of Karnataka, Bangalore.
3. The Chief Conservator of Forest (Central), Regional Office, Bangalore.
4. RO(HQ), New Delhi.
5. Guard file.
6. Director, Enercon (India) Ltd., Kolsite House, Plot No. 31, Shah Industrial Estate, Veera Desai Road, Andheri (West), Mumbai - 400 053.

(R. K. GUPTA)

Asst. Inspector General of Forests

572

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aligarh, Jorbagh Road,
New Delhi - 110003

Dated: 22nd March 2023

To

Addl. Chief Secretary (Forest)/ Principal Secretary (Forest)/
All State Governments /UT Administrations

Sub: ~~Stipulation of additional conditions by the State Government, the grant of Stage-I approval~~ under the Forest (Conservation) Act, 1980 by the Central Government and allowing User Agency to retain part of compensatory levies-reg.

Sir,

I am directed to refer to the above-mentioned subject and to inform that an issue related to imposition of additional condition by the Government of Odisha specially with regards to a site-specific Wildlife Management Plan, which was over and above the conditions stipulated in the Stage-I approval has been referred to the Ministry. Further, it has also been requested by the State Government to allow the User Agency to retain certain portion of compensatory levies towards the activities of the Wildlife Management Plan to be implemented in the mining lease area.

The matter was examined in the Ministry and accordingly it is to inform that as per the provisions of the clause (iii) of sub-section 3 of Section 4 of the Compensatory Afforestation Fund Act 2016, the monies realized from the User Agency in compliance of conditions stipulated in the approval granted under the Forest (Conservation) Act, 1980 are to be deposited into the account of CAMPA. Further, in terms of provisions of guidelines already issued by this Ministry, the State Governments/UT Administrations shall not impose any additional condition other than those stipulated in the Stage-I approval without the prior approval of the Central Government. While recommending a proposal seeking approval under Forest (Conservation) Act, 1980 for any non-forestry purpose it is presumed that the concerned State Government/UT Administration has examined the proposal properly at all levels and also has exercised due diligence. Hence, stipulation of additional conditions after according in-principle approval is against the norms and also demonstrates that such diligence was not made.

In view of the above, it is now reiterated that:

1. A State Government/UT Administration will not impose any additional condition after in-principle approval has been accorded. However, in exceptional situations, giving due justifications additional condition may be imposed with the prior approval of the Central Government.

2. The provision in sub-section 3 of Section 4 of the Compensatory Afforestation Fund Act 2016 shall be strictly adhered to and it shall be the

responsibility of the State Government/ UT Administration to ensure the same.

3. The State Government/UT Administration shall also ensure that the user agency deposits compensatory levies in full as estimated for implementation of Wildlife Management Plan, Catchment Area Treatment Plan, or any other stipulated activity on time.

Yours faithfully,

Sd/-

(Sandeep Sharma)

Asst. Inspector General of Forests

Copy to:

1. Principal Chief Conservator of Forests, All State Governments/UT Administrations
2. Nodal Officer (FCA), All State Governments/UT Administrations
3. Regional Officer (Central), All Integrated Regional Office of the MoEF&CC
4. Guard file.