

MINUTES OF THE NINETH MEETING OF REGIONAL EMPOWERED COMMITTEE OF REGIONAL OFFICE (SZ), BANGALORE HELD ON 29/01/2016 IN THE OFFICE OF THE ADDL. P.C.C.F. (CENTRAL) MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE, REGIONAL OFFICE (SOUTHERN ZONE), KENDRIYA SADAN, KORAMANGALA, BANGALORE.

The **Nineth** meeting of the Regional Empowered Committee (REC) of RO, SZ, Bangalore was held on **29/01/2016** in the office of the Addl. P.C.C.F. (Central) Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Kendriya Sadan, Koramangala, Bangalore and the following members attended the meeting:-

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| (1) | Shri Amarnatha Shetty, I.F.S.,
Addl. P.C.C.F. (Central)
Ministry of Environment, Forests and Climate Change,
Regional Office (Southern Zone), Bangalore | ... | Chairman |
| (2) | Shri S.M. Somashekar, I.F.S
Chief Conservator of Forests (Central)
Ministry of Environment, Forests and Climate Change,
Regional Office (Southern Zone), Bangalore | ... | Member |
| (3) | Shri Suhas Jagannath Godse,
House No.525 A, Vodlem Bhat,
Near Pandurang Temple, Vodle Bhat,
Taleigao, P.O. Caranzalem,
Tiswadi, Goa. | ... | Member |
| (4) | Dr. B. Shivaraju,
No.4, 5 th Main, 9 th Cross,
Radhakrishna Layout, Padmanabhanagar,
Bangalore- 560 070, Karnataka. | ... | Member |
| (5) | Shri Anur Reddy, I.F.S
Additional Principal Chief Conservator of Forests
/Nodal Officer (FCA),
Office of the Principal Chief Conservator of Forests,
Forests Department, Govt. of Karnataka,
Aranya Bhavan, 18 th Cross, Malleswaram,
Bangalore – 560 003. | ... | Special Invitee |
| (6) | Smt. R. Padmawathe, I.F.S
Deputy Conservator of Forests (Central)
Ministry of Environment, Forests and Climate Change,
Regional Office (Southern Zone), Bangalore | ... | Member Secretary |

Initiating the discussion, the Chairperson extended warm welcome to the Members of the Regional Empowered Committee (REC). The REC examined the following three proposals and the recommendations of REC are recorded in respect of each proposal as under:-



- (1) Diversion of 10.122 ha. (earlier 9.51 ha) of forest land for construction of 110 KV SC transmission line from power generation station of SPSCL, Siddapur to 110 KV KPTCL Substation Jamakhandi in favour of the Chairman & Managing Director, M/s Sri Prabhulingeshwar Sugar Works Ltd., Siddapura, Jamakhandi Taluk, Bagalkot District.

The Regional Empowered Committee noted the following facts of the proposal:-

1. Earlier, the Govt. of Karnataka vide letter no. FEE 345 FGL 2001 dated 12/04/2002 had submitted a proposal for diversion of 9.510 ha. of forest land in Sy.No.49/1 in Siddapur and FSy.No.172, 159, 161, 140 Siddapur FSy.No.46 Huliya and Sy.No.215 Jamkhandi in favour of Sri. Prabhulingeshwar Sugar Works, Siddapur. As per the details given in the proposal, the User Agency had already utilised the proposed forest land for erecting transmission line and water pipeline. After processing of the proposal through various State Advisory Group (SAG) meetings, it was finally decided that the transmission line is an asset of KPTCL and therefore the proposal is required to be forwarded by KPTCL. This was intimated to the State Government vide letter dated 15/10/2003. However, the proposal was not resubmitted by State Government. Therefore, the proposal was closed vide letter dated 22/12/2004.
2. The Government of Karnataka has now re-submitted a proposal for diversion of 10.122 ha. (earlier 9.51 ha) of forest land.
3. After initial scrutiny of the proposal, the site Inspection of the proposed forest land was carried out on 07/01/2016. During the site inspection, it was observed that the forest area used by User Agency in violation of FC Act is open scrub forest falls in Eco-Class IV open forest and is having very few scattered trees of Eucalyptus. Water pipeline of 8" size laid underground very long ago and it is not visible on the surface. Transmission line area also does not require removal of any tree. Due to the implementation of the proposal in this dry scrub forest type, not much damage has been caused. User agency has utilized this forest land for transmission of power, generated from agricultural waste, bagasse, which is a renewable & non-conventional energy. Therefore, CCF (Central) has recommended the proposal for approval subject to the following conditions:-
 - i. Penal CA to an extent of 20.50 ha, shall be raised adjacent to the sugar factory at the cost of UA with chain link fencing & watering
 - ii. Penal interest on NPV may be imposed for the violation from 30.10.2002 onwards.

The REC examined the proposal as well as the Site Inspection report of CCF (Central). The Committee noted that User agency has utilized forest land for laying water pipeline and transmission line from their generating station to KPTCL sub-station, Jamakhandi in violation of F(C) Act, 1980 even before submission of the proposal during August 2001. For the above



violation, a departmental enquiry was conducted and certain action was taken against the erring officials. REC also noted that water pipeline is laid underground and transmission line is passing over dry scrub jungle, where no tree growth is required to be cut and it is being used for transmitting power generated from agricultural waste, bagasses, which is a renewable and non-conventional energy. The Committee observed that the punishment awarded to the delinquent officers for permitting illegal use of the forest land is not a sufficient deterrent to prevent violation of the Forest (Conservation) Act, 1980.

Since the project is already executed and is a long pending issue, REC decided to approve the proposal subject to the following additional conditions:

- (1) Cost of raising Penal Compensatory Afforestation over degraded forest area of 20.50 ha. adjacent to the sugar factory with provision for chain link fencing & watering shall be realised from User Agency.
- (2) The State Government shall realize interest at 12% per annum compounded annually, on the Net Present Value amount from 30/10/2002 till date of realizing of the same from User Agency, as the forest land has already been put to use.

Accordingly, the Regional Office, Bangalore will issue in-principle (Stage-I) approval for the proposal.

- (2) Diversion of forest land for renewal of earlier pre-1980 lease of Banahatti Co-operative Spinning Mill Limited, Jamkhandi taluk, situated at Sy.No.94 of Asangi Village (18 acres) and Sy.No.14 of Banahatti Village (32 acres) making a total of 50.00 acres (20.23 ha.) in favour of the Managing Director, M/s Banahatti Co-operative Spinning Mills Ltd., Banahatti.

The Regional Empowered Committee noted the following facts of the proposal:-

1. Earlier, the Govt. of Karnataka vide order dated 16/01/1976 and 14/06/1977 had sanctioned lease of 50 acres of forest land (18 acres from F.Sy.No.14 of Banhatti and 32 acres from F.S.No.94 of Asangi) in Jamakhandi Taluk in favour of Banahatti Co-operative Spinning Mills Ltd. for construction of buildings, mills and its offices, quarters to the staff and workers of the mill. The period of lease was stipulated as 30 years.
2. In May 2004, Govt. of Karnataka had submitted a proposal for renewal of lease of forest land under Forest (Conservation) Act, 1980. However, the said proposal was rejected by Govt. of India vide letter dated 29/12/2004, as the User Agency had expressed their intention to mortgage the forest land for obtaining loan from the bank.
3. The project proponent, subsequently, had submitted an undertaking to the State Government that it will not mortgage forest land and the State Government had also withdrawn its approval for mortgaging the land.



4. The proposal was again processed through SAG held on 24/04/2006 and SAG recommended the proposal to Govt. of India for approval.
5. However, Ministry had returned the proposal with following observations:-
 - The User Agency should furnish a clear land use plan indicating different categories of construction already existing and future constructions to be undertaken.
 - There is no provision for waiver of C.A. Therefore, C.A. scheme is required to be incorporated in the proposal.
 - Undertaking from User Agency for payment of N.P.V.
6. The above information was sought from Govt. of Karnataka vide letter dated 08/06/2006. Since the information was not received from State Government, the proposal was closed on 29/06/2007 as per para 4.14 of the guidelines issued under Forest (Conservation) Act, 1980.
7. Now, the Government of Karnataka vide letter No.FEE 164 FLL 2011 dated 30/11/2015 has re-submitted the proposal.
8. After initial scrutiny of the proposal, Regional Office vide letter dated 31/12/2015 had requested the State Government to furnish the ROFR compliance certificates and details of land identified for CA with CA scheme. State Government's reply in this regard is yet to be received.
9. The proposed area was inspected by CCF (Central) along with Addl. PCCF (Central) on 07/01/2016. During the inspection, it was observed that since the area is under use for the past 40 years, it has lost all its forestry characteristics where the buildings have been constructed. CCF (Central) has recommended that the proposal may be considered for approval subject to the following conditions:-
 - (i) User Agency shall provide equivalent non-forest land for C.A.
 - (ii) Submission of ROFR compliance certificate as per Ministry's guidelines dtd. 05/07/2003.
 - (iii) User Agency shall provide an undertaking to plant all the blank spaces within the diverted area i.e. approximately 12 ha. and this area shall not be used for construction of buildings/staff quarters, any kind of new godowns, factory, etc.

State Govt. may be asked to take action to evict the encroachers from the surrounding forest land.

The REC examined the proposal as well as the Site Inspection report of CCF (C). The Committee noted that the additional information sought by Regional Office vide letter dated 31/12/2015 viz. ROFR compliance certificate, details of non-forest land identified for CA, etc.



has not been furnished by State Government. Therefore, REC decided to consider this case after receipt of the required information.

- (3) Diversion of 39.108 ha. of forest land in various Sy.No. of Hanamasagara Protected Forest, Kustagi Taluk, Koppal District for establishment of 52.50 MW Wind Power Project in favour of M/s Tata Power Company Limited, Mumbai.

The Regional Empowered Committee noted the following facts of the proposal:-

1. The Government of Karnataka vide letter No.FEE 82 FLL 2015 dated 30/11/2015 had submitted a proposal for diversion of 39.108 ha. of forest land in various Sy.No. of Hanamasagara Protected Forest, Kustagi Taluk, Koppala District for establishment of 52.50 MW Wind Power Project in favour of M/s Tata Power Company Limited, Mumbai. The PCCF, Karnataka has reported that the proposal was initially submitted for diversion of 36.851 ha., but on examination it was found that the length of the corridor proposed was lesser than the actual length as verified from map and therefore, the requirement of area was revised to 39.108 ha.
2. After initial scrutiny of the proposal, Regional Office vide letter dated 31/12/2015 had requested the State Government to furnish the ROFR compliance certificates and equivalent non-forest land for free from encumbrances along with suitability certificate. The State Govt. was also requested to upload the proposal in the web-portal. The State Government's reply in this regard is yet to be received.
3. The proposed area was inspected by CCF (Central) along with Addl. PCCF (Central) on 08/01/2016. During the inspection, it was observed that the User Agency has proposed to approach project area from two sides, i.e., one in the north-east side from Hanumasagar village and another one from the south-west side. Approach road proposed from Hanumasagara village passes through the Hanumasagara village Sy.No.1/1 & 1/2 and Manneral village Sy.No.50/1 for a length of 1.3 km. This proposed approach road passes through very steep area, involves steep cutting and filling for formation of road and area is also having relatively good vegetation. Therefore, construction of approach road for this project in Sy.No.1/1 & 1/2 of Hanumasagara village and Sy.No.50/1 of Manneral village is not approved and User Agency be asked to utilize the already existing approach road in the south-west side of the project area. Due to this the total area required for the project will be lesser by 1.93 ha. There are old village asphalted road and also a new road built by the RPG Telecom on the FC approved forest area. User Agency is proposing to install some WEG's by building fresh road near the road built by the RPG Telecom and near to the old village asphalted roads. Therefore, instead of building new roads by disturbing the existing scarce vegetation, User Agency be directed to utilize the existing roads as far as possible. The forest land proposed for diversion is mostly rocky with flat rocky table top of the hillock, soil depth is zero to very shallow. Only in certain pockets trees are seen, otherwise it is mostly barren and with scrub growth. This project does not have any serious adverse effects on the surrounding environment, as they are non-polluting in nature and is for

Amanth Singh

production of clean energy. Employment is likely to be generated during the project implementation and after completion as well. It is expected to cater to the power requirement of the State. In view of the above, the CCF (Central) has recommended the proposal for approval.

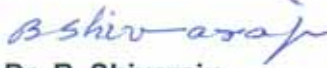
The REC examined the proposal as well as the site inspection report of CCF (C). The Committee noted that the proposal has been uploaded in the webportal of the Ministry by the Forest Department; but the recommendation of the State Government has not been uploaded and therefore, it is showing as pending with State Government. The Nodal Officer (FCA) has agreed to get it uploaded today itself. The Committee agreed with the recommendation of the CCF (C) to delete the construction of new approach road in Sy.No.1/1 & 1/2 of Hanumasagara village and Sy.No.50/1 of Manneral village. The User Agency shall use the existing roads inside the forest land for this project. Accordingly, the requirement of forest land gets limited to 36.278 ha. Accordingly, the CA land proposed for the project will be sufficient for the Compensatory Afforestation. The User Agency will also submit ROFR certificate in the new format before the Stage-II approval.


Considering the type of the forest land involved and the purpose of the project is to generate renewable energy, the Committee decided to approve the proposal.

The meeting concluded with a vote of thanks to the Chair and Members.


29/1/16
Suhas Jagannath Godse
(Member)


Amarnatha Shetty, I.F.S.
Addl. P.C.C.F. (Central)
(Chairperson)


Dr. B. Shivaraju
(Member)


Anur Reddy, I.F.S
Addl. P.C.C.F &
Nodal Officer (FCA)
Forests Department, Govt. of Karnataka,
(Special Invitee)


S.M. Somashekar, I.F.S
C.C.F. (Central)
(Member)


Smt. R. Padmawathe, I.F.S
D.C.F. (Central)
(Member-Secretary)