

F. No. 8-112/2000-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi -- 110003
Dated: 16th August, 2017

To,

The Principal Secretary (Forests),
Government of Karnataka,
Banglore.

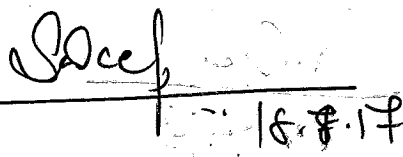
Sub: Transfer of Forest Clearance for diversion of 32.68 hectares (instead of 33.97 ha. as granted originally) in respect of Category 'C' Mining Lease No. 2366 from erstwhile lessee M/s. Tungabhadra Mineral Ltd, M.L.No.2366 to the successful bidder i.e. M/s. JSW Steel Ltd.

Sir,

I am directed to refer to the State Government's letter No. No. FEE 34 FFM 2017 dated 22.05.2017 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the Competent Authority in the Central Government has accepted the request made by the Government of Karnataka for Transfer of Forest Clearance for diversion of 32.68 hectares (instead of 33.97 ha. as granted originally) in respect of Category 'C' Mining Lease No. 2366 from erstwhile lessee M/s. Tungabhadra Mineral Ltd, M.L.No.2366 to the successful bidder i.e. M/s. JSW Steel Ltd for which final approval granted under Section-2 of the Forest (Conservation) Act, 1980 by this Ministry on 08/09.01.2001.


2. After careful examination of the proposal in accordance with para 2.8 of the Guidelines read with the Guidelines dated 03.05.2010 and 03.05.2017 under the Forest (Conservation) Act, 1980 for transfer of approval granted by the Central Government, the Central Government hereby conveys its approval for Transfer of Forest Clearance for diversion of 32.68 hectares (instead of 33.97 ha. as granted originally) in respect of Category 'C' Mining Lease No. 2366 from erstwhile lessee M/s. Tungabhadra Mineral Ltd, M.L.No.2366 to the successful bidder i.e. M/s. JSW Steel Ltd subject to following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) The State Govt. shall ensure that the compensatory afforestation over the non-forest land equal in extent to the non-broken up forest land being diverted shall be raised by the State Forest Department within a period of three years with effect from the date of issue of transfer of Stage-II Clearance and maintained thereafter in accordance with the approved Plan from the funds provided by the user agency;
- (iii) The State Govt. may note that this Ministry will not be liable to pay any compensation or refund compensatory levies deposited in Adhoc CAMPA fund to the erstwhile lease holder in category "C" mine.


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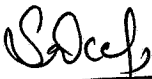
(iv) Following activities shall be undertaken by the User Agency under the supervision of the State Forest Department:

- (a) Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the transfer of Stage-II Clearance in consultation with the State Forest Department.
 - (b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;
 - (c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
 - (d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28°; and
 - (e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- (v) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department;
- (vi) The non-forest land identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance in this regard;
- (vii) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (viii) Fencing, protection and regeneration of the safety zone area [7.5 meters strip shall be kept within the mining lease boundary and area of the safety zone shall be part of the total area of mining lease as per the Ministry's guidelines dated 27.05.2015] shall be done within three years at the project cost as per approved scheme. Besides this afforestation on degraded forest land to be selected elsewhere measuring one & a half times the area under safety zone shall also be done at the project cost;
- (ix) Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;**
- (x) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xi) No labour camp shall be established on the forest land;
- (xii) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;



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- (xiii) The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- (xiv) **The State Govt. ensure that the successful bidder /lessee shall implement the prescriptions /provisions of the approved Reclamation and Rehabilitation Plan in accordance with the guidelines approved by Hon'ble Supreme Court. Thus, the State Govt. ensure that the user agency shall implement the R&R Plan as per the direction of Hon'ble Supreme Court, R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF &CC along with indicators for monitoring and expected observable milestones**
- (xv) The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
- (xvi) The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government;
- (xvii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xviii) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xix) No damage to the flora and fauna of the adjoining area shall be caused;
- (xx) Any tree felling shall be done only in a phased manner to coincide with the phasing of area to be put to mining with a view to minimizing clear felling. The felling will always be carried out under strict supervision of State Forest Department; when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxi) The user agency will abide by the applicable recommendations of the State Government;
- (xxii) User agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40), if any, located in the area within 100 m. from outer perimeter of the mining lease. The plan for plantation and SMC activities will be prepared and submitted to MoEF &CC before Stage-II Clearance;
- (xxiii) The User Agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five km. from the mine lease boundary. This list is to be duly verified by the concerned Divisional Forest Officer. The User Agency shall regularly undertake desilting of these village tanks and other water bodies


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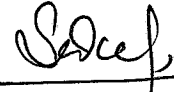
so as to mitigate the impact of siltation of such tanks/water bodies. A detailed plan for desilting of identified ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF & CC ;

(xxiv) The User Agency shall submit the annual self- compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;

(xxv) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and

(xxvi) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

Yours faithfully,

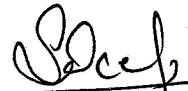


(Sandeep Sharma) 18.8.17

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Karnataka, Bangalore.
2. The Chief Conservator of Forests (Central), Regional Office, Bangalore.
3. The Nodal Officer, Office of the PCCF, Karnataka, Bangalore.
4. RO (HQ), MoEF, New Delhi.
5. The User Agency.
6. Monitoring Cell, FC Division, MoEF, New Delhi.
7. Guard File.



(Sandeep Sharma) 18.8.17

Assistant Inspector General of Forests