

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ  
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

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



ಅರಣ್ಯ ಭವನ, 18 ನೇ ಅಡ್ಡರಸ್ತೆ  
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003  
Aranya Bhavan, 18<sup>th</sup> Cross  
Malleshwaram, Bengaluru-560 003  
Telephone : 080 2334 6472  
Email:apccffc@gmail.com

E-office File No. KFD/HOFF/A5-1(MNG)/2/2018-FC  
Encl.: 3 sets proposals

E-61851

Date 15-02-2021

76

To,

The Additional Chief Secretary to Government  
Department of Forest, Ecology and Environment  
M. S. Building, Bengaluru

Sir,

**Sub:** Diversion of 19.206 hectare of forest land in Swami Malai (SM) Forest Block in Sandur Taluk, Ballari District for establishing Downhill Pipe Conveyor System from Haddinapade Iron Ore Mine (ML No. 2516) to proposed railway siding at Dharmapura in favour of Sri B. Rudra Gouda, Sandur, Ballari District, as Legal representative of late Sri B. Kumaragouda

**Proposal No. FP/KA/MIN/36226/2018** [FORM-A; Stage-I approved]

- Ref:**
1. Government of India, Ministry of Environment, Forests & Climate Change (Forest Conservation Division), New Delhi, letter F.No.8-113/2003fc(vol.) dated 15-10-2019 [Stage-I approval]
  2. Government of Karnataka letter No. FEE 53 FFM 2018 dated 30-10-2019 [communication of Stage-I approval]
  3. This office letter of even number dated 08-11-2019 [communication of Stage-I approval] and 10-03-2020 [Re-examine CA Suitability Certificate]
  4. Deputy Conservator of Forests, Ballari Division, Ballari letter No. M1/MNG/BKG/Conveyor belt/2018-19/949 dated 27-10-2020 addressed to Chief Conservator of Forests, Ballari Circle [Compliance Report in respect of conditions of Stage-I approval]
  5. Chief Conservator of Forests, Ballari Circle, Ballari letter No. M1/MNG/CR-03/2003-04(BKG)/1239 dated 25-11-2020 [Compliance Report in respect of conditions of Stage-I approval]

The Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide Ref (1) has accorded 'in-principle' (Stage-I) approval for



diversion of 19.206 hectare of forest land in Swami Malai (SM) Forest Block in Sandur Taluk, Ballari District for establishing Downhill Pipe Conveyor System from Haddinapade Iron Ore Mine (ML No. 2516) to proposed railway siding at Dharmapura in favour of Sri B. Rudra Gouda, Sandur, Ballari District, as Legal representative of late Sri B. Kumaragouda under Section 2 of the Forest (Conservation) Act, 1980 subject to certain conditions. Accordingly, the User Agency and field officers were directed by this office vide Ref (3) to submit the compliance.

In response, the User Agency has uploaded the Compliance Report in the web portal on 08-11-2019 and has submitted the Compliance Report to the Deputy Conservator of Forests, Ballari Division, who after verification has submitted the condition wise compliance report to Chief Conservator of Forests, Ballari Circle vide Ref (4) who in turn has visited the site on 04-11-2020 and has submitted the compliance report to this office vide Ref (5).

Based on the above reports, the status of condition-wise compliance to the conditions of Stage-I approval is given below.

Conditions stipulated in Stage-I approval dated 15-10-2019		Status of Compliance
i.	Legal Status of the diverted forest land shall remain unchanged;	Legal status of the forest land will be unchanged and continues to be forest land even after the diversion. It will be monitored by the Forest Department in future. Moreover, the User Agency has submitted an Undertaking in this regard [ANNEXURE-1].
ii.	Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency;	The User Agency had identified an extent of 47.83 Acres (19.351 hectare) of non-forest land in Sy Nos. 8, 10/3, 10/D, 11/B, 12/A & 131 of Malapura village, Toranagallu Hobli, Sandur Taluk, Ballari District. The land has been since mutated and transferred in favour of the Forest Department vide Mutation Register (MR) No. T1/2019-20 dated 05-07-2019. The following connected documents are enclosed herewith. 1. Copy of Mutation Register & RTCs 2. Copy of Sale Deed copies 3. Copy of Encumbrance Certificates 4. Suitability Certificate  Copies of the above are enclosed [ANNEXURE-2, 2A, 2B & 2C].
iii.	Compensatory Afforestation	Raising of CA Plantations as mandated



	over the non-forest land equal in extent to the forest land being diverted shall be raised within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter as per approved plan by the State Forest Department at the cost of the User Agency;	shall be taken under CAMPA Scheme after the Stage-II approval. CA Scheme enclosed in [ANNEXURE-3].
iv.	State Government shall furnish the essential information sought by Government of India prior to Stage-II approval.	Information sought if any by Government of India will be provided/furnished.
v.	State Government shall submit the CA Scheme duly approved by the competent authority in the State Government and commensurate funds shall be deposited in CAMPA account.	<p>The User Agency has paid the CA charges for 19.206 ha @ Rs.15.93 lakh/ha amounting to Rs. 3,05,95,158/- to CAMPA Account through FC web portal in the following installments.</p> <p>i. Rs.2,22,78,960/- vide UTR No. SYNBR52019122750940023 dated 27-12-2019 <b>[out of total amount of Rs.3,77,01,378/-]</b></p> <p>ii. Rs.83,16,198/- vide UTR No. SYNBR52020080353591231 dated 03-08-2020</p> <p><b>Copies of (i) Payment Page print taken from FC web-portal (ii) Letter from the Bank concerned regarding transfer of the amount are enclosed as ANNEXURE-4 &amp; 4A.</b></p>
vi.	The State Government shall resolve the issue of 2 Gunta (200 M <sup>2</sup> ) area overlap which is common in proposal F. No. 8-114/1992-FC (Vol.) of Karnataka State Mineral Corporation Ltd. And F. No. 8-113/2003-FC (Vol) of Sri B. Rudra Gouda and modify the area accordingly before Stage-II approval.	The User Agency has agreed to give right of way to M/s Karnataka State Mineral Corporation Limited. In this regard the User Agency has submitted Undertaking which is addressed to the MD, KMERC in this regard. [ANNEXURE-5].
vii.	The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale	Topo Map of CA land is enclosed [ANNEXURE-6].
viii.	The non-forest land identified for	The User Agency had identified an



	raising compensatory afforestation shall be transferred and mutated in the name of forest department and notified as RF/PF prior to Stage-II approval.	<p>extent of 47.83 Acres (19.351 hectare) of non-forest land in Sy Nos. 8, 10/3, 10/D, 11/B, 12/A &amp; 131 of Malapura village, Toranagallu Hobli, Sandur Taluk, Ballari District. The land has been since mutated and transferred in favour of the Forest Department vide Mutation Register (MR) No. T1/2019-20 dated 05-07-2019. The following connected documents are enclosed herewith.</p> <ol style="list-style-type: none"> <li>1. Copy of Mutation Register &amp; RTCs</li> <li>2. Copy of Sale Deeds</li> <li>3. Copy of Encumbrance Certificates</li> <li>4. Suitability Certificate</li> </ol> <p>Copies of the above are enclosed [ANNEXURE-2, 2A, 2B &amp; 2C].</p>
ix.	The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA shall be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;	User Agency has already complied with this condition as reported in Condition No. (v) above.
x.	The State Government shall charge the Net Present Value (NPV) for the forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the Guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No.	<p>The User Agency has remitted an amount of Rs.1,54,22,418/- for 19.206 ha @ Rs.8.03 lakh/ ha towards NPV to CAMPA Account through FC web portal vide SYNBR52019122750940023 dated 27-12-2019 <i>[out of total amount of Rs.3,77,01,378/-]</i></p> <p><b>Copies of (i) Payment Page print taken from FC web-portal (ii) Letter from the Bank concerned regarding transfer of the amount are enclosed as ANNEXURE-4 &amp; 4A.</b></p>



	5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard;	
xi.	Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect;	The User Agency has submitted Undertaking in this regard [ANNEXURE-7].
xii.	User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department;	The User Agency has agreed to fell minimum number of trees in the diverted forest land and the trees shall be felled under the supervision of the Department personnel and also agreed to deposit the necessary costs against felling of trees.  The User Agency has submitted Undertaking in this regard [ANNEXURE-8].
xiii.	No damage to the flora and fauna of the adjoining area shall be caused;	The User Agency has submitted Undertaking in this regard [ANNEXURE-9].
xiv.	All the funds received from the User Agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal ( <a href="https://parivesh.nic.in/">https://parivesh.nic.in/</a> );	The User Agency has deposited all the funds to CAMPA fund only through e-portal ( <a href="http://parivesh.nic.in/">http://parivesh.nic.in/</a> ).
xv.	The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;	The User Agency has obtained the FRA Certificate in FORM-I (for Linear projects) issued by Deputy Commissioner, Ballari District vide No. Rev/Mining/ F.R.A/09/2018-19 dated 24-06-2019 in respect of 19.206 hectare of forest land under diversion. A copy is enclosed [ANNEXURE-10].
xvi.	User Agency shall raise strip plantation on both sides of conveyor belt;	The User Agency has submitted Undertaking in this regard [ANNEXURE-11].
xvii.	User Agency shall obtain Environmental Clearance as per the provisions of the	The User Agency has not submitted Environmental Clearance for this project.




	Environmental (Protection) Act, 1986, if applicable;	The User Agency has submitted Undertaking in this regard [ANNEXURE-12].
xviii.	The layout plan of the proposal shall not be changed without prior approval of Central Government;	The User Agency has submitted Undertaking in this regard [ANNEXURE-13].
xix.	No labour camp shall be established on the forest land;	The User Agency has submitted Undertaking in this regard [ANNEXURE-14].
xx.	Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;	The User Agency has submitted Undertaking in this regard [ANNEXURE-15].
xxi.	The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;	The User Agency has submitted Undertaking in this regard [ANNEXURE-16].
xxii.	The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the User Agency or the project life, whichever is less;	The User Agency has submitted Undertaking in this regard [ANNEXURE-17].
xxiii.	The forest land shall not be used for any purpose other than that specified in the project proposal;	The User Agency has submitted Undertaking in this regard [ANNEXURE-18].
xxiv.	The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India;	The User Agency has submitted Undertaking in this regard [ANNEXURE-19].
xxv.	Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the	The User Agency has submitted Undertaking in this regard [ANNEXURE-20].



	MoEF&CC Guideline F. No. 11-42/2017-FC dated 29/01/2018;	
xxvi.	Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife;	The User Agency has submitted Undertaking in this regard [ANNEXURE-21].
xxvii	The compliance report shall be uploaded on e-portal ( <a href="https://parivesh.nic.in/">https://parivesh.nic.in/</a> )	The User Agency has uploaded Compliance Report in e-portal ( <a href="http://Parivesh.nic.in/">http://Parivesh.nic.in/</a> ) on 28-08-2020.

Under the above circumstances, it is requested to move the matter with the Government of India, Ministry of Environment, Forests and Climate Change, New Delhi to consider according the final (Stage-II) approval for diversion of 19.206 hectare of forest land in Swami Malai (SM) Forest Block in Sandur Taluk, Ballari District for establishing Downhill Pipe Conveyor System from Haddinapade Iron Ore Mine (ML No. 2516) to proposed railway siding at Dharmapura in favour of Sri B. Rudra Gouda, Sandur, Ballari District, as Legal representative of late Sri B. Kumaragouda under Section 2 of the Forest (Conservation) Act, 1980 for a period co-terminus with the mining lease granted under MMDR Act.

Yours Faithfully




(Rajiv Ranjan IFS)

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

Copy to the Chief Conservator of Forests, Ballari Circle, Ballari for information.

Copy to the Deputy Conservator of Forests, Ballari Division, Ballari for information.

Copy to Sri B. Rudra Gouda, No. 2198, BKG House, KHB Colony, Sandur Taluk, Ballari District - 583 119 for information.

  
ರವಿರಾಜ್  
16-2-2021