

**F. No. 8-12/2018-FC**  
Government of India  
Ministry of Environment, Forests and Climate Change  
(FC Division)

Indira Paryavaran Bhawan,  
Aliganj, Jor Bag Road,  
New Delhi - 110003.

**Dated: 9<sup>th</sup> May, 2019**

To,  
The Principal Secretary (Forests),  
Government of Karnataka,  
Bangalore

**Sub: Diversion of 133.58 ha of forest land (Comprising of 130.53 ha for Iron Ore Mining in erstwhile ML No. 2365 of M/s Tungabhadra Mineral private Limited and 3.05 ha for approach road) in Donimalai Block, Sandur Taluk, Ballari District in favour of M/s JSW Steel Ltd. Toranagallu, Ballari District, Karnataka.**


Sir,

I am directed to refer to the Government of Karnataka's letter No. FEE 9 FFM 2018 dated 05.03.2018 on the above-mentioned subject, wherein prior approval of the Central Government for the diversion of 133.58 ha of forest land (Comprising of 130.53 ha for Iron Ore Mining in erstwhile ML No. 2365 of M/s Tungabhadra Mineral private Limited and 3.05 ha for approach road) in Donimalai Block, Sandur Taluk, Ballari District in favour of M/s JSW Steel Ltd. Toranagallu, Ballari District, Karnataka was sought. After careful consideration of the proposal by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act, *in-principle* approval for the diversion was granted vide this Ministry's letter of even number dated **22.06.2018** subject to fulfilment of certain conditions.

2. Further, with the approval of competent authority, the condition No.(viii) as stipulated in Stage-I clearance on **22.06.2018**, which states that "*State Government shall prepare a regional wild life management plan and user agency shall be asked to contribute to the regional wild life management plan in proportion to the area of mining lease falling within the designated region of wild life management plan. The contribution to the regional wild life management plan shall be different from site specific wild life management plan. The plan shall be approved by competent authority in the state*", is hereby dropped.

3. In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Karnataka vide their letter No. FEE 09 FFM 2018 dated 18.01.2019 and FEE 09 FFM 2018 dated 14.03.2019, **Stage-II/Final approval** of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 133.58 ha of forest land (Comprising of 130.53 ha for Iron Ore Mining in erstwhile ML No. 2365 of M/s Tungabhadra Mineral private Limited and 3.05 ha for approach road) in Donimalai Block, Sandur Taluk, Ballari District in favour of M/s JSW Steel Ltd. Toranagallu, Ballari District, Karnataka subject to following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation shall be raised over identified non -forest land of 133.58 ha. ha and at least 1000 plants per hectare shall be planted over identified forest land. If it is not possible to plant that many saplings in the area identified

  
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for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan with provision for ten years on subsequent maintenance;

- (iii) The non-forest land of 133.58 ha. as transferred and mutated in favour of the State Forest Department for raising Compensatory Afforestation shall be notified as reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act. The Nodal officer must report compliance within a period of 6 months from the date of grant of final approval and send a copy of the notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the local Forest Act as the case may be, to this Ministry for information and record;
- (iv) State Government to ensure that the user agency shall implement a reclamation scheme for the area broken by erstwhile mine holder outside the mining lease;
- (v) State Government ensure that the approved wild life management plans and soil & moisture conservation plan/scheme shall be implemented by State Forest Department from the funds deposited by the user agency in CAMPA Account;
- (vi) State Government to ensure that the user agency shall comply all the conditions imposed by PCCF (HoFF) Karnataka in his forwarding letter No. A5(1) MNG.CR.02/2017-18 dated 20.01.2018;
- (vii) The State Government shall ensure that the process of settlement of rights has been completed in accordance with provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;
- (viii) The State Government shall ensure that the User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (ix) The Forest clearance will be for a period co.terminus with the lease period specified in the lease agreement;
- (x) 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;
- (xi) The State Government to ensure that the user agency shall implement the following activities/plans/schemes 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 years with effect from the date of issue of Stage-II clearance in accordance with the approved Plan 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.

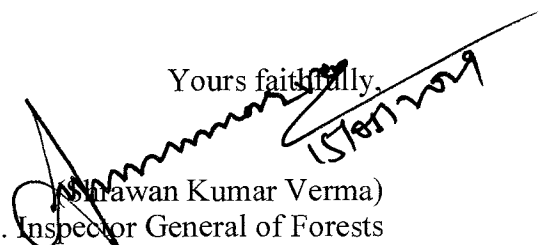
  
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- (xii) The State Government shall ensure that the User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed 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 Addl. Director General (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
- (xiii) The State Government shall ensure that the user agency shall implement the R&R Plan as per the 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;
- (xiv) The State Government shall ensure that the user agency in consultation with the State Government shall implement the plan for alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project and birds nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.
- (xv) The State Government shall ensure that 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;
- (xvi) The State Government shall ensure that the User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xvii) The State Govt. and the user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xviii) The State Government shall ensure that the layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xix) State Government shall ensure that no labour camp shall be established on the forest land and 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;
- (xx) The State Govt. and the User agency shall ensure de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required preferably within five years from the date of approval of Stage-II Clearance;
- (xxi) The State Government shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal and the said forest land shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;

  
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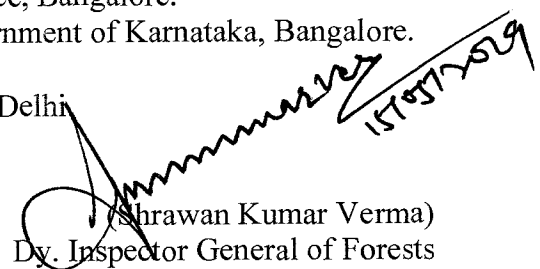
- (xxii) State Government shall ensure that the no damage to the flora and fauna of the adjoining area shall be caused;
- (xxiii) The State Government shall ensure that the User Agency shall submit the annual self - compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry every year;
- (xxiv) Any other condition that the concerned Regional Office of this Ministry with the approval of competent authority may stipulate in the interest of conservation, protection and development of forests & wildlife; and
- (xxv) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project;

Yours faithfully,

  
(Shrawan Kumar Verma)  
Dy. Inspector General of Forests

**Copy to:**

1. The Principal Chief Conservator of Forests, Government of Karnataka, Bangalore.
2. The Addl. Director General (Central), Regional Office, Bangalore.
3. The Nodal Officer (FCA), Forest Department, Government of Karnataka, Bangalore.
4. User Agency
5. Monitoring Cell of FC Division, MoEF & CC, New Delhi
6. Guard File.

  
(Shrawan Kumar Verma)  
Dy. Inspector General of Forests