

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, 18ನೇ ಅಡ್ಡರಸ್ತೆ,

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Encl.: 3 sets of proposal

E-62416

Date 25-06-2020

26

To,

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

Sir,

**Sub:** Diversion of 5.271 hectare of forest land for Existing/Proposed Approach Road, Downhill Pipe Conveyor (DPC), Service Roads, Transmission Line Cable and Water pipeline in Swamymalai (SM) Block Forest, Lakshmipura village, Sandur Taluk, Ballari District in respect of Devadari Iron ore Mine (ML No.2290) in favour of M/s JSW Steel Ltd, Ballari District

**Proposal No.** FP/KA/Others/26566/2017 [FORM-A; Stage-I approved]

- Ref:**
1. Government of India, Ministry of Environment, Forests & Climate Change, (Forest Conservation Division), New Delhi letter File No. 8-07/2018-FC (Vol.) dated 28-12-2018 [Stage-I approval]
  2. This office letter of even number dated 01-02-2019 [communication of Stage-I approval] and 27-01-2020 [seeking revised FRA Certificate in respect of entire 5.271 ha]
  3. M/s JSW Steel Limited, Toranagallu letter dated 17-09-2019 addressed to Deputy Conservator of Forests, Ballari Division [Compliance Report in respect of conditions of Stage-I approval] and 02-05-2020 [revised FRA Certificate]
  4. Deputy Conservator of Forests, Ballari Division, Ballari letter No. M1/MNG/JSW/Conveyor/2290/2018-19/1453 dated 27-12-2019 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/VSL/TRF/ML.2290/CR-12/2016-17/2027 dated 02-01-2020 [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



5.271 hectare of forest land for Existing/Proposed Approach Road, Downhill Pipe Conveyor (DPC), Service Roads, Transmission Line Cable and Water pipeline in Swamymalai (SM) Block Forest, Lakshmipura village, Sandur Taluk, Ballari District in respect of Devadari Iron ore Mine (ML No.2290) in favour of M/s JSW Steel Ltd, Ballari District 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 (2) to submit the compliance.

In response, the User Agency vide Ref (3) letter dated 17-09-2019 has submitted the Compliance Report to the Deputy Conservator of Forests, Ballari Division, who after verification has submitted the conditions wise compliance report to Chief Conservator of Forests, Ballari Circle vide Ref (4) who in turn has submitted the same to this office vide Ref (5).

Further, in response to the deficiency in the FRA Certificate issued earlier pointed out by this office vide Ref (2) letter dated 27-01-2020, the User Agency has also obtained the revised FRA Certificate in FORM-I (for linear projects) for entire 5.271 ha of forest land under process of diversion, issued by the Deputy Commissioner, Ballari District vide No. Rev/Mining/FRA/81/2017-18 dated 29-04-2020 and vide Ref (3) letter dated 02-05-2020 has submitted the attested copies to this office.

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

<b>Conditions stipulated in Stage-I approval dated 28-12-2018</b>		<b>Status of Compliance</b>
(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)	Compensatory afforestation 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 in accordance with the approved Plan in consultation with the State Forest Department at the cost of the User Agency;	The Forest Department will take necessary action to comply with the condition in due course.
(iii)	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-2].



(iv)	The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance.	<p>The User Agency had identified an extent of 14-23 Acre-Gunta (5.271 hectare) private non-forest land in Sy No. 67 of Bagalagudda village, Maski Hobli, Lingasuguru Taluk, Raichur District for raising Compensatory Afforestation in Item L of PART-I of the proposal. The land has been since mutated and transferred in favour of the Forest Department vide Mutation Register (MR) No. H16/2017-18 dated 24-04-2018. The following connected documents are enclosed herewith.</p> <ol style="list-style-type: none"> <li>1. RTC &amp; Mutation Register</li> <li>2. Deed of Conveyance</li> <li>3. KML file of CA land (<i>uploaded in Item C(ii)(b) of PART-I</i>).</li> <li>4. Encumbrance Certificate</li> <li>5. Suitability Certificate</li> <li>6. CA Scheme</li> </ol> <p>Copies of the above are enclosed [ANNEXURE-3, 3A, 3B, 3C, 3D &amp; 3E].</p>
(v)	The non-forest land transferred so mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 of PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, 1927 latest within a period of six months from the date of issue of Stage-II approval.	The Forest Department will take necessary action to comply with the condition in due course.
(vi)	The User Agency shall transfer the cost of raising and maintaining the <b>compensatory afforestation</b> at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State <b>through online portal</b> . The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.	<p>The User Agency has paid the CA charges for 5.271 ha @ Rs.3.15 lakh/ ha to CAMPA Account through FC web portal in the following installments.</p> <ol style="list-style-type: none"> <li>i. Rs.15,81,300/- vide UTR No. VIJBH19115076325 dated 25-04-2019 [<i>out of total amount of Rs.1,17,67,062/-</i>]</li> <li>ii. Rs.79,065/- vide UTR No. IBKLR2019071000029675 dated 10-07-2019 [<i>out of total amount of Rs.</i></li> </ol>



		<p>2,47,593/-]</p> <p><b>Total = Rs. 16,60,365/-</b></p> <p><b>Copies of</b> (i) Payment Page print taken from FC web-portal (ii) Challans generated from FC web-portal (iii) Letter from the Bank concerned regarding transfer of the amount are enclosed as <b>ANNEXURE-4, 4A &amp; 4B.</b></p> <p><b>However, the User Agency is required to pay the differential CA charges on account of revision of CA rates with effect from 01-05-2020 and is being informed in this regard.</b></p>
(vii)	<p>The User Agency shall transfer <b>online</b>, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned.</p>	<p>The User Agency has remitted an amount of Rs.42,32,613/- for 5.271 ha @Rs.8.03 lakh/ ha towards NPV to CAMPA Account through FC web portal vide UTR No. VIJBH19115076325 dated 25-04-2019 <i>[out of total amount of Rs.1,17,67,062/-]</i></p> <p><b>Copies of</b> (i) Payment Page print taken from FC web-portal (ii) Challans generated from FC web-portal (iii) Letter from the Bank concerned regarding transfer of the amount are already enclosed as <b>ANNEXURE-4, 4A &amp; 4B</b> above.</p>
(viii)	<p>The User Agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated <b>online</b> on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.</p>	<p>User Agency has already complied with this condition as reported in Condition No. (vi) &amp; (vii) above.</p>
(ix)	<p><b>The User Agency shall submit compliance for FRA before Stage-II approval. Thus,</b> the State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act,</p>	<p>The User Agency has obtained the revised FRA Certificate in FORM-I (for Linear projects) issued by Deputy Commissioner, Ballari District vide No. Rev/Mining/FRA/81/2015-16 dated 29-04-2020 in respect of 5.271 hectare of forest</p>



	2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (Pt.) dated 03.08.2009, 05 <sup>th</sup> February, 2013 and 05 <sup>th</sup> July, 2013, in support thereof;	land under diversion. A copy is enclosed [ANNEXURE-5].
(x)	<b>The User Agency shall conduct a study, at its own cost, involving a Reputed Institute on impact of downhill pipe conveyor on wildlife in the landscape and ambient environment. The State Forest Department will decide the ToR for the study. The study may be conducted for a period of five years or as decided by the State Forest Department.</b>	The User Agency has proposed the scope of study directly to the Deputy Conservator of Forests vide letter dated 12-04-2019 for approval. The Forest Department is in the process of considering and deciding the TOR for the stipulated study. The User Agency will be required to conduct the stipulated study at its own cost, as and when the Forest Department approves the TOR and the Agency for such study.
(xi)	The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.	The User Agency vide Ref (3) has stated that the project does not require Environment Clearance.
(xii)	No labour camp shall be established on the forest land.	The User Agency has submitted Undertaking in this regard. [ANNEXURE-7]
(xiii)	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.	The User Agency has submitted Undertaking in this regard. [ANNEXURE-8]
(xiv)	The boundary of the diverted forest land, 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, forward and back bearing, distance from pillar to pillar and GPS Co-ordinates.	The User Agency has demarcated the boundary of diverted forest land on ground by erecting four feet high reinforced cement concrete pillars, each inscribed with serial number, DGPS readings and distance from pillar to pillar.  The photographs of boundary pillars are attached in ANNEXURE-9.
(xv)	The layout plan of the proposal shall not be changed without the prior approval of the Central Government.	The User Agency has submitted Undertaking in this regard. [ANNEXURE-10].
(xvi)	The forest land shall not be used for any purpose other than that specified in the proposal.	The User Agency has submitted Undertaking in this regard. [ANNEXURE-11].



(xvii)	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.	The User Agency has submitted Undertaking in this regard. <b>[ANNEXURE-12].</b>
(xviii)	No damage to the flora and fauna of the adjoining area shall be caused.	The User Agency has submitted Undertaking in this regard. <b>[ANNEXURE-13].</b>
(xix)	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;	The User Agency has submitted Undertaking in this regard. <b>[ANNEXURE-14].</b>
(xx)	Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost.	The User Agency has complied with this condition as mentioned in the Condition No. (xxvii).
(xxi)	Overburden shall not be dumped outside the width of the road. The muck generated in the earth cutting will be deposited off at the designate dumping sites and in no case the muck/debris shall be allowed to roll down the hill slopes.	The User Agency has submitted Undertaking in this regard. <b>[ANNEXURE-15].</b>
(xxii)	The User Agency will provide retaining walls, breast wall and drainage as per requirement to make the slope stable.	The User Agency has submitted Undertaking in this regard. <b>[ANNEXURE-16].</b>
(xxiii)	The User Agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.	The User Agency has submitted Undertaking in this regard. <b>[ANNEXURE-17].</b>
(xxiv)	The User Agency shall not collect any toll from the vehicles carrying forest officers on duty;	The User Agency has submitted Undertaking in this regard. <b>[ANNEXURE-18].</b>
(xxv)	The designing of culverts/bridges, if any, over the natural streams/ rivers/ canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;	The User Agency has submitted Undertaking in this regard. <b>[ANNEXURE-19].</b>



(xxvi)	Proper drainage shall be built with engineering structures all along the road, as suggested in the inspection report;	The User Agency has submitted Undertaking in this regard. <b>[ANNEXURE-20].</b>
(xxvii)	Avenue plantation shall be raised and maintained at the cost of User Agency;	<p>The User Agency has remitted the following amount to CAMPA Account through FC web Portal towards Avenue Plantation charges for 5.21 km length @ Rs.11,74,986/- per km (2019-20 rates).</p> <p>i. Rs.59,53,149/- vide UTR No. VIJBH19115076325 dated: 25-04-2019 [out of total amount of Rs.1,17,67,062/-]</p> <p>ii. Rs.1,68,528/- vide UTR No. IBKLR2019071000029675 dated: 03-07-2019 [out of total amount of Rs. 2,47,593/-]</p> <p><b>Total = Rs. 61,21,677/-</b></p> <p><b>Copies of (i) Payment Page print taken from FC web-portal (ii) Challans generated from FC web-portal (iii) Letter from the Bank concerned regarding transfer of the amount are already enclosed as ANNEXURE-4, 4A &amp; 4B above.</b></p>
(xxviii)	Fugitive dust emissions shall be controlled by making water spraying arrangements on the road;	The User Agency has submitted Undertaking in this regard. <b>[ANNEXURE-21].</b>
(xxix)	The User Agency shall have only the right of way and the control over the road shall remain with the forest department;	The User Agency has submitted Undertaking in this regard. <b>[ANNEXURE-22].</b>
(xxx)	The User Agency shall submit the annual self-compliance report in respect of the above conditions to the State Government and to the concerned Regional Officer of the Ministry regularly;	The User Agency has submitted Undertaking in this regard. <b>[ANNEXURE-23].</b>
(xxxi)	Any other condition that the concerned Regional Office of this Ministry with the approval of competent authority may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and	The User Agency has submitted Undertaking in this regard. <b>[ANNEXURE-24].</b>

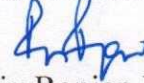


(xxxii)	The User Agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.	The User Agency has submitted Undertaking in this regard. <b>[ANNEXURE-25].</b>
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The FRA Certificate in respect of the balance forest area / consolidated forest extent will be submitted during the process of obtaining Stage-II approval as soon as the User Agency obtains it and submits a copy to this office.

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 5.271 hectare of forest land for Existing/Proposed Approach Road, Downhill Pipe Conveyor (DPC), Service Roads, Transmission Line Cable and Water pipeline in Swamymalai (SM) Block Forest, Lakshmipura village, Sandur Taluk, Ballari District in respect of Devadari Iron ore Mine (ML No.2290) in favour of M/s JSW Steel Ltd, Ballari District 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. **You are required to issue an additional Demand Notice to the User Agency for recovering the CA difference amount on account of revision of CA rates with effect from 01-05-2020 informing to upload the same on FC web portal for acceptance by this office before generating challan and making payment. Additionally, you are also required to take similar action in respect of Condition No. (xxvii) regarding the present rates for raising Avenue Plantation, if revised.**

Copy to M/s JSW Steel Ltd. Vijayanagara works, P.O. Vidyanagar, Toranagallu – 583 275, Sandur Taluk, Ballari District for information. **It is requested to upload the additional Demand Notice obtained from the Deputy Conservator of Forests, Ballari Division as above and upload the same on FC web portal for acceptance by this office.**

o/c  
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26.6.2020