

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-66522

Date 26-06-2020

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To,

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

Sir,

**Sub:** Diversion of 0.604 hectare of forest area proposed for Downhill Pipe Conveyor (DHPC) for Bhadra Iron Ore Mine (ML No. 2365) and Tunga Iron Ore Mine ML No. 2366 in favour of M/s JSW Steel Ltd in Ballari District

**Proposal No. FP/KA/Others/27706/2017 [FORM-A; Stage-I approval]**

- Ref:**
1. Government of India, Ministry of Environment, Forests and Climate Change, (Forest Conservation Division), New Delhi letter F.No. 8-12/2018-FC(Vol.) dated 31-12-2018 [Stage-I approval]
  2. This office letter of even number dated 01-02-2019 [communication of Stage-I approval], 31-01-2020 & 07-03-2020 [communication shortcomings in Compliance Report]
  3. M/s JSW Steel Limited, Vidyanagar, Ballari [Compliance Report in respect of conditions of Stage-I approval] and 18-05-2020 [reason for change of CA land]
  4. Deputy Conservator of Forests, Ballari Division, Ballari letter No. M1/MNG/JSW/2365/Conveyor/2018-19 dated 07-11-2019 [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-2365&2366(0004)/CR-12/2016-17/1758 dated 26-11-2019 [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 0.604 hectare of forest area proposed for Downhill Pipe Conveyor (DHPC) for Bhadra Iron Ore Mine (ML No. 2365) and Tunga Iron Ore Mine ML No. 2366 in favour of M/s JSW Steel Ltd in 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) letter dated 01-02-2019 to submit the compliance.

In response, the User Agency vide Ref (3) letter dated 13-09-2019 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, the User Agency vide Ref (3) letter dated 18-05-2020 has submitted the reason for change of CA land after Stage-I approval, after this office vide Ref (2) letter dated 31-01-2020 & 07-03-2020 sought the same from User Agency.

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 31-12-2018</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.	The User Agency had earlier proposed an extent of 0.604 ha of non-forest land in Gadiganuru village, Hosapete Taluk, Ballari District for raising CA and the same was uploaded in PART- II of the proposal (the forest diversion extent being less than one hectare).  However, the User Agency has now



	<p>proposed an extent of 0.960 hectare of non-forest land in Sy No. 11/A of Agasanuru village, Haccholi Hobli, Siruguppa Taluk, Ballari District for this purpose. The same has been mutated and transferred in favour of the State Forest Department vide Mutation Register (MR No. H79 dated 23-07-2019).</p> <p>Regarding the change of CA land after Stage-I approval, the User Agency vide letter dated 18-05-2020 (Ref-3) has stated that the CA land has been changed on the suggestion of the Deputy Conservator of Forests, Ballari vide letter No. LAND/PATTA/JSW/2016-17/499 dated 24-07-2019.</p> <p>The Deputy Conservator of Forests, Ballari has issued the CA Suitability Certificate dated 07-11-2019 and has also submitted the CA Scheme. As the proposed site is in habitat of Great Indian Bustard, planting on this land is not advisable. Accordingly, the CA planting will have to be done in degraded forest area of the Ballari Division in accordance with Working Plan prescriptions.</p> <p>The Deputy Conservator of Forests, Ballari has submitted the following documents.</p> <ol style="list-style-type: none"> <li>1. RTC &amp; Mutation Register</li> <li>2. Sale Deed</li> <li>3. KML file of CA land (CD) &amp; Google map</li> <li>4. Encumbrance Certificate</li> <li>5. CA Suitability Certificate dated 07-11-2019</li> <li>6. CA Scheme</li> </ol> <p>Copies of the above are enclosed [ANNEXURE-3, 3A, 3B, 3C, 3D &amp; 3E].</p>
(v)	<p>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</p> <p>The Forest Department will take necessary action to comply with the condition in due course.</p>



	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.	
(vi)	The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. 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 0.604 ha @ Rs.3.15 lakh/ ha to CAMPA Account through FC web portal in the following installments.</p> <p>i. Rs.1,81,200/- vide UTR No. VIJBH19058001617 dated: 27-02-2019 [out of total amount of Rs.6,66,212/-]</p> <p>ii. Rs.9,060/- vide UTR No. IBKL190710050801 dated: 10-07-2019</p> <p><b>Total = Rs. 1,90,260/-</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)	The User Agency shall transfer online, 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>The User Agency has remitted an amount of Rs.4,85,012/- for 0.604 ha @ Rs.8.03 lakh/ ha towards NPV to CAMPA Account through FC web portal vide UTR No. VIJBH19058001617 dated: 27-02-2019 [out of total amount of Rs.6,66,212/-]</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)	The User Agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web	User Agency has already complied with this condition as reported in Condition No. (vi) & (vii).



	portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.	
(ix)	The User Agency shall submit compliance for FRA before Stage-II approval. Thus, the State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 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;	The User Agency has obtained the FRA Certificate in FORM-I (for Linear projects) issued by Deputy Commissioner, Ballari District vide No. Rev/Mining/FRA/72/2017-18 dated 04-09-2018 in respect of 0.604 hectare. A copy is enclosed [ANNEXURE-5].
(x)	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.	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 Environment Management Planning and Research Institute (EMPRI), Bengaluru vide letter No. CLC/JSW-Project/CR-13/2019-20/54 dated 22-05-2020 [ANNEXURE-6] has submitted the proposed TOR to this office. It is under process of consideration for approval. 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 User Agency has submitted Undertaking in this regard. [ANNEXURE-8]



	the site so as to avoid any damage and pressure on the nearby forest areas.	
(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.	<p>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.</p> <p>The photographs of boundary pillars are attached in <b>ANNEXURE-9</b>.</p>
(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. <b>[ANNEXURE-10]</b> .
(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. <b>[ANNEXURE-11]</b> .
(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)	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> .



(xxi)	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. [ANNEXURE-16].
(xxii)	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. [ANNEXURE-17].
(xxiii)	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. [ANNEXURE-18].
(xxiv)	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. [ANNEXURE-19].
(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.	The User Agency has submitted Undertaking in this regard. [ANNEXURE-20].

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 0.604 hectare of forest area proposed for Downhill Pipe Conveyor (DHPC) for Bhadra Iron Ore Mine (ML No. 2365) and Tunga Iron Ore Mine MI No. 2366 in favour of M/s JSW Steel Ltd in 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:

1. The Chief Conservator of Forests, Ballari Circle, Ballari for information.
  2. 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.

3. 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.**