

PART – IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks. (While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).	Recommended for diversion of 32.56 hectare of forest land for iron ore mining lease [erstwhile 'C' category M.L. No.2621 of M/s Rama Rao Paol] in favour of M/s JSW Steel Ltd., Toranagallu in Ramanamalai Block Reserved Forest, Sandur North Range, Ballari District subject to submission of certificate under FRA 2006 and other conditions specified in Annexure 'A' .
---	--

Signature:

Name: **JAGMOHAN SHARMA IFS**
Designation: **Additional Principal Chief Conservator of Forests
(Forest Conservation) and
Nodal Officer (FCA)**

(Official Seal)

Countersigned by :

Name: **K.S. SUGARA IFS**
Designation: **Principal Chief Conservator of Forests
(Head of Forest Force)**

(Official Seal)

N.D.O. No: **33**/2017-18

Date: **30**-12-2017



GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡ ರಸ್ತೆ,
ಮಲ್ಲೇಶ್ವರಂ ಬೆಂಗಳೂರು-560 003.

Aranya Bhavan, 18th Cross
Malleshwaram, Bengaluru-560 003

Telephone : 080 2334 6472

Email : apccffc@gmail.com

No. A5(1).MNG.CR.01/2017-18

Date: 30-12-2017

Encl: 3 sets proposals

To,

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

Sir,

Sub: Diversion of 32.56 hectare [revised from 33.80 hectare] of forest land for iron ore mining lease [erstwhile 'C' category M.L. No.2621 of M/s Rama Rao Paol] allocated through auction sale to M/s JSW Steel Ltd., Toranagallu in Ramanamalai Block Reserved Forest, Sandur North Range, Ballari District-reg. **Online proposal No. FP/KA/MIN/24548/2017.**

- Ref: 1. Letter No. M1/MNG/Rama/M.L.2621/2017-18/1811 dated: 18/20-11-2017 of the Deputy Conservator of Forests, Ballari Division (uploaded in the web-portal on 24-11-2017).
2. Letter No. M1/MNG/R.Poal/TRF/M.L.No.2621/CR-6/2017-18 dated: 28-11-2017 of the Chief Conservator of Forests, Ballari Circle (uploaded in the web-portal on 05-12-2017).

The online proposal (FP/KA/MIN/24548/2017 dated: 04-04-2017; resubmitted on 25-04-2017) for diversion of 32.56 hectare [revised from 33.80 hectare] of forest land for iron ore Mining lease [erstwhile 'C' category M.L. No.2621 of M/s Rama Rao Paol] allocated through auction sale to M/s JSW Steel Ltd., Toranagallu in Ramanamalai Block Reserved Forest, Sandur North Range, Ballari District was forwarded to the Deputy Conservator of Forests, Ballari Division through online on 24-05-2017 for further processing. In response, the Deputy Conservator of Forests, Ballari division after processing the said proposal has submitted the same to the Chief Conservator of Forests, Ballari Circle vide his letter dated 18/20-11-2017 [uploaded in the web-portal on 24-11-2017] (reference-1) duly recommending the proposal for diversion of 32.56 hectare. Further, the

Chief Conservator of Forests, Ballari Circle, Ballari vide his letter dated 28-11-2017 [uploaded in the web-portal on 05-12-2017](reference-2) has submitted the proposal to this office for consideration as per the provisions of the FC Act. The details of the proposal as reported by the Chief Conservator of Forests, Ballari Circle are as follows.

- 1) **MMRD lease:-** The Mining lease was originally sanctioned vide M.L.No. 2621 during the year 2009 (18.07.2009) over an area of 70 acres or 28.34 hectare in R.M.Block, Sandur Taluk for the period of 20 years & valid upto 03-02-2030 in favour of M/s Ramarao Paol. It is noted that the entire area as per the lease deed was revenue land. However, the Range Forest officer, Sandur vide letter dated 17-08-2010 and Assistant Conservator of Forests, Ballari vide letter dated 26-08-2010 directed the lessee to stop mining operations since the entire lease area was found to be forest land notified under Section 4 of the Karnataka Forest Act 1963 vide notification No. FFD 29 FAC 84 dated 28-02-1985. Accordingly, the mining operations were stopped w.e.f. 04-10-2010. Subsequently, the lessee had challenged the stoppage notice issued by the Forest Department before the Hon'ble High Court of Karnataka in W.P.No. 41376/2010. The Hon'ble High Court of Karnataka stayed the stoppage notice and directed to continue the mining operations. The Hon'ble High Court of Karnataka had also directed lessee to obtain forest clearance under Forest (Conservation) Act 1980. Accordingly, the lessee applied for forest clearance. However, the mining operations were also stopped as per the Hon'ble High Court of Karnataka order dated 06-04-2011 in W.P.No. 41376. Further, a blanket ban on mining activities in Ballari-Hosapete Sector was ordered by Hon'ble Supreme Court in July 2011.

Subsequently, it being a 'C' category mine, the mining lease was cancelled as per the Hon'ble Supreme Court order. Afterwards, the said mining lease area has been e-auctioned by the Department of Mines & Geology as per the direction of the Hon'ble Supreme Court. M/s JSW Steel Ltd has been declared as successful bidder of M.L.No.2621 (C-category mine) through e-auction over an extent of 33.80 hectare (as per CEC sketch). Further, the Commissioner, Department of Mines & Geology, Bengaluru has issued a Letter of Intent dated 26-10-2016 for an extent of 33.80 hectares for a period of 50 years.

- 2) **Lease area as per CEC sketch:-** M/s JSW Steel Limited has submitted proposal for 33.80 hectare for mining as per the CEC sketch. However,

after the joint survey duly comprising of Forest, Revenue and Mines & Geology Department on 06-07-2017, it is observed that 1.24 hectare is overlapping with Hurricane Bungalow as per FSO Order No. FSO/RMB/-01/2013-14 dated 03-06-2014. The same area has been marked on sketch. Consequently, the Forest Clearance is proposed for an extent of 32.56 hectares only (33.80 ha-1.24 ha).

- 3) **Net Present Value (NPV):-** The JSW Steel Limited, Toranagallu has given an Undertaking for payment of Net Present Value (NPV) for 33.80 hectares.
- 4) **Safety Zone:-** The Safety zone extent is 2.27 hectares as per the R&R plan approved by the CEC. M/s JSW Steel Ltd has agreed to pay the amount of afforestation in degraded forest 1½ time of Safety Zone area.
- 5) **Compensatory Afforestation (CA):-** The earlier lessee has not taken any forest clearance, and by implication, no CA is done. Accordingly, the present User Agency, M/s JSW Steel Ltd have to carry out CA for which they have identified non-forest land as detailed below.

District	Taluk	Village	Sy. No.	Extent in Acres	Extent in hectares
Raichur	Lingasuguru	Halabhavi	39, 140 & 142	52.43	21.22
Raichur	Lingasuguru	Thimmapura	74/2/1p, 74/1p & 74/5A/1	31.09	12.58
Total				83.52	33.80

M/s JSW Steel Ltd has agreed to make payment towards compensatory Afforestation Charges for an extent of 33.80 hectare.

- 6) **Boundary Pillars:-** The corner boundary pillars for the C-category mines have been erected by the Department of Mines & Geology. However in case of one boundary pillar (marked as LBS-1A on joint survey map) is marked as a new point to indicate the intersection point with Hurricane Bungalow Property. This pillar is not erected by Department of Mines & Geology. The corner pillar and intermediary pillars, at every 20 meters, are required to be erected before the handing over the mining lease area.
- 7) **FRA compliance:-** Certificate in Form-II under Forest Rights Act-2016, issued by the Deputy Commissioner, is yet to be submitted by the User Agency.
- 8) **Environmental Clearance (EC):-** EC granted earlier to M/s Rama Rao Paol has been transferred in favour of the User Agency by State Level

Environment Impact Assessment Authority-Karnataka vide letter No. SEIAA127 MIN 2008 dated 04-02-2017.

- 9) **Mining Plan:-** The New Mining Plan has been approved by Indian Bureau of Mines, Bengaluru vide letter No. 279/1092/2017/BNG/223 dated 31-05-2017 as submitted by the User Agency.

The following observations of this office are brought to the notice of the Government of Karnataka.

- a. The proposal for diversion of mining lease [ML No. 2621 of erstwhile lessee M/s Ramarao Poal] in favour of M/s JSW Steel Ltd. (the User Agency), over an extent of 32.56 hectare of forest land has been recommended by both the field officers, Deputy Conservator of Forests, Ballari & Chief Conservator of Forests, Ballari vide their letters dated 18/20-11-2017 & 28-11-2017, respectively.
- b. The earlier lessee has not taken forest clearance. Hence, the present User Agency has to bear the cost of Compensatory Afforestation charges and provide non-forest land for Compensatory Afforestation purpose.
- c. The User Agency has identified non-forest (private) land for CA purpose over an extent 83.52 Acres (33.80 hectare) for Compensatory Afforestation purpose as reported by the Deputy Conservator of Forests, Ballari. The Deputy Conservator of Forests, Raichur Division vide his letter dated 02-02-2017 has informed that the identified CA lands are suitable for raising Compensatory Afforestation.
- d. Certificate in Form-II under FRA 2006 is not submitted by the User Agency.
- e. Forest clearance is proposed for (33.80-1.24) 32.56 hectare.

In light of the facts stated above, it is requested to move this proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 32.56 hectare of forest land for iron ore mining lease in erstwhile 'C' category ML No.2621 of M/s Rama Rao Paol, allocated through action sale to M/s JSW Steel Ltd., Toranagallu in Ramanamalai Block Reserved Forest, Sandur North Range, Ballari District with the conditions specified in Annexure 'A'.

The hard copy of the proposal along with the relevant documents in 3 sets are submitted herewith for further needful. The recommendation of this office

along with duly filled in Part-IV is uploaded in the web-portal and a copy of the present status obtained from the web-portal is also enclosed to this letter.

Yours faithfully

Principal Chief Conservator of Forests
(Head of Forest Force)

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

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

Copy to M/s JSW Steel Ltd. Vijayanagara works, P.O. Vidyanagar, Toranagallu – 583 275, Sandur Taluk, Ballari District for information and necessary action.

ಕವಾಸಿಸಲಾಗಿದೆ
20.12.11

ANNEXURE 'A'

Enclosure to letter No. A5(1).MNG.CR.01/2017-18

dated: -12-2017

1. The legal status of Forest land shall remain unchanged and it shall continue to be forest land.
2. The lessee shall pay lease rent as fixed by the Govt. from time to time.
3. The lease tenure is for a period co-terminus with the mining lease.
4. The leased out area should be used for the purpose for which it is granted. In case the land is not used for the stipulated purpose within one year or when it is no longer needed for the stipulated purpose, the area shall be resumed back. The concerned Chief Conservator of Forests / Deputy Conservator of Forests is authorized to take necessary action in this regard.
5. In case of any violations, the proposal Forest Land shall be liable for forfeiture under Section 82 of Karnataka Forest Act 1963.
6. No residential buildings shall be permitted in the proposed forest area.
7. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
8. The User Agency has to pay the Net Present Value (NPV) of forest land diverted under this proposal as per Orders dated 28-3-2008 and 9-5-2008 of the Hon'ble Supreme Court of India.
9. The User Agency shall ensure that there should be no damage to the available fauna and other flora.
10. No labour camp shall be established on the forest land.
11. Any damage to forest area due to such works shall be compensated by the User Agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
12. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
13. The User Agency shall also abide by all the conditions imposed upon by Government of India, the Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force).


Principal Chief Conservator of Forests
(Head of Forest Force)