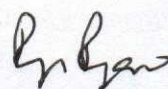


**PART – IV**

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

<p>Detailed opinion &amp; specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks</p> <p>(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).</p>	<p>The present proposal seeking 'in-principle' (Stage-I) approval for diversion <b>diversion of 6.35 hectare of forest land in Ramanamalai (RM) Block Forest (Ramgad), Sandur Taluk, Ballari District for mining in favour of Sri D. Ramesh s/o D.Pullaiah, City Press Compound, Ballari is recommended for approval under FC Act, 1980.</b></p> <p><b>Proposal No. FP/KA/MIN/15687/2015</b></p>
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Signature:



Name:

**RAJIV RANJAN IFS**

Designation:

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

Countersigned by :



Name:

**PUNATI SRIDHAR IFS**

Designation:

Principal Chief Conservator of Forests  
(Head of Forest Force)

N.D.O. No: **17**/2019-20

(Official Seal)

Date: **03-12**-2019





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 ಅಡ್ಡ ರಸ್ತೆ

ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003

Aranya Bhavan, 18<sup>th</sup> Cross  
Malleshwaram, Bengaluru-560 003

Telephone : 080 2334 6472

Email : apccffc@gmail.com

Old File No. A5(1).MNG.CR.19/2015-16

E-office File No. KFD/HOFF/A5-1(MNG)/65/2019-FC

Encl: 3 sets proposal

E-120537

Date 29-11-2019

03-12-

To,

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

Sir,

**Sub:** Diversion of 6.35 hectare of forest land in Ramanamalai (RM) Block Forest (Ramgad), Sandur Taluk, Ballari District for mining in favour of Sri D. Ramesh s/o D. Pullaiah, City Press Compound, Ballari. **Proposal No. FP/KA/MIN/15687/2015**

**Ref:** 1. Online (FORM A PART-I) proposal dated 28-12-2015 (resubmitted) of Sri D. Ramesh, Ballari r/w uploading of 'Acknowledgement' on 02-01-2016 for having delivered hard copies of proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner.  
2. This office online communication dated 05-01-2016 to Deputy Conservator of Forests, Ballari Division, Ballari [for further processing of proposal].  
3. Online submission of PART-II on 25-07-2019 by Deputy Conservator of Forests, Ballari Division r/w online reply dated 23/07/2019 by User Agency to the latest EDS Query [Letter No. M1/MNG/CR-26/2009-10/158 dated 28-06-2019].  
4. Online submission of PART-III on 01-08-2019 by Chief Conservator of Forests, Ballari Circle [Letter No. M1/MNG/CR-26/2009-10/979 dated 01-08-2019].

1. Sri D. Ramesh s/o D. Pullaiah, City Press Compound, Ballari [USER AGE CNY] has submitted an online proposal (FORM A PART-I) on 28-12-2015 seeking approval under Section 2 (ii) of the Forest (Conservation) Act, 1980, for diversion of 6.35 hectare of forest land in Ramanamalai (RM) Block Forest (Ramgad), Sandur Taluk, Ballari District. The same was accepted by Nodal Officer on 31-12-2015 for further processing. After receiving the 'Acknowledgement' online for having delivered the hard copies by the User Agency to the Deputy Conservator of Forests, Ballari Division & Deputy Commissioner, Ballari District on 02-01-2016, the online link was forwarded to the Deputy Conservator



of Forests, Ballari Division on 05-01-2016 for field verification and further processing under Section 2 of the Forest (Conservation) Act, 1980.

2. **Location and component wise details of the project:** The location details and component wise break up of forest land proposed for diversion are given below.

District, Taluk, Name of Forest	Village	Sy No.	Project component	Forest Land (ha)	Legal status of land
Ballari District, Sandur Taluk, Ramanamalai (RM) Block Forest	Adjacent to Ramgad village	Not assigned (area not included in any village limits)	Area for Approach Road outside the lease area	0.44	Section 4 Notified Forest area*
			Area for Mining	4.274	
			Area for Roads	0.175	
			Area for Dumping	0.5	
			Area for 7.5m Safety Barrier/ plantation	0.772	
			Area for Mineral Stock	0.149	
			Area for Office/Rest shelter	0.03	
Total (ha)				6.34	

\*Government of Karnataka Notification No. FFD 29 FAF 84 dated 28-02-1985

3. **DCF, Ballari Division Report:** The Deputy Conservator of Forests, Ballari Division has inspected the site on 02-11-2018 and then again on 20-12-2018. He has submitted his *Site Inspection Report* in PART-II of the proposal to the Chief Conservator of Forests, Ballari Circle vide his letter dated 28-06-2019 (ref-3) duly recommending the proposal. The details of the proposal as reported by the Deputy Conservator of Forests, Ballari Division r/w the reports of Chief Conservator of Forests, Ballari Circle and also of ICT Centre of Forest Department are as follows.

- The forest land proposed for diversion is a hillock area with steep slope and is thus vulnerable to soil erosion.
- The forest land proposed for diversion is in general landscape of Eco-class-III (Tropical Dry Deciduous Forests) with about 0.1 canopy density [open forest].
- As per Item 4(ii) of the PART-II of the proposal, there are 640 trees (of this 436 are in girth class 0-30 cm) in the forest land proposed for diversion. Major tree species include *Acacia catechu/ sundra*, *Albizia amara*, *Anogeissu latifolia*, *Cassia fistula*, *Boswellia serrata*, *Grewia tiliaefolia*, *Pterocarpus marsupium*, *Mallotus philippensis*, *Syzigium cumini*, *Terminalia chebula*, *Pongamia pinnata*, etc.

[Note: While DCF's Site Inspection Report uploaded in Item 15 of PART-II mentions 745 trees and Item 6 of PART-II mentions 4043 trees, the online information in Item 4(ii) of the proposal being more detailed and specific may be taken into consideration.]

- Major wild animals found in the area include Leopard, Sloth bear, Four-horned antelope, Jackal, Indian wolf, Indian fox, Wild pig, Monitor lizard, Hare, Porcupine, Peafowl, etc.
- The forest land proposed for diversion does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, Wildlife Migration Corridor, etc.



- f. The forest land proposed for diversion is not located within Eco-sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
  - g. The forest land proposed for diversion is not located within one kilometre distance of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, Wildlife Migration Corridor, etc.
  - h. There are no protected Archaeological/ Heritage site/ Defence establishment or any other important monument located in the area.
  - i. The requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project.
4. **CCF Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has not inspect the site personally, but has agreed with the report of Deputy Conservator of Forests, Ballari Division. The Chief Conservator of Forests, Ballari Circle vide Ref (4) has submitted his report in PART-III and has recommended the proposal. However, the recommendation made by the DCF as well as the CCF need to be viewed in the light of facts made available by them in their respective proposals.
  5. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land proposed for diversion as per Para 3.1 to 3.4 of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F. No. 5-2/2017-FC dated 28-03-2019. **The User Agency has submitted an 'Undertaking' to pay the charges towards Net Present Value (NPV) of the forest land proposed for diversion.**
  6. **Compensatory Afforestation (CA):** The User Agency has identified an extent of 9.105 hectare (22.50 acre) of government C & D class land in Kottur Village [8.76 acre in Sy No.1426 and 13.74 acre in Sy No. 1427], Kudligi Taluk, Ballari District way back in the year 2015. Since the UA has already identified C&D class land well before the G.O. FEE 88 FLL 2016 dated 31-08-2016 was issued, the proposal of C&D class land for CA may be accepted. The UA has furnished an 'Undertaking' to pay the CA charges. Deputy Commissioner, Ballari has given his consent for the CA land.
  7. **Safety Zone:** In accordance with Para 7.9 of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019, **the User Agency is required to have 7.5 meter wide peripheral safety zone within the mining lease area, provide a Chain-link Fence to it and maintain as a Green belt by taking up regeneration of vegetation in such Safety Zone.**
  8. **Regeneration of Degraded Forest Area 1.5 times the extent of forest diversion:** The latest FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019 are silent on the issue. However, in accordance with the previous FC Guidelines F. No. 11-125/2014-FC dated 09-01-2015, **the User Agency is required to enable the Forest Department to undertake afforestation on degraded forest land measuring one and a half times the area of forest land under safety zone at the project cost.**
  9. **Status of RoFR compliance:** With regard to compliance of the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 and Rules 2008, the User Agency has not furnished the requisite **Certificate in FORM-III (for Non-linear/Hybrid projects)** issued by the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry



of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. **The User Agency has not submitted the required RoFR certificate, but has submitted an 'Undertaking' to submit it in due course.**

**10. Other connected issues:**

- A. **Area:** Based upon the reports of Field officers, it is observed that the extent of 6.34 hectare proposed for diversion by the User Agency includes 0.44 hectare for Approach Road (outside mining lease). However, an extent of 1.36 hectares within the balance 5.90 hectare (of mining lease) area proposed by User Agency overlaps with M.L.No.2173 of M/s J.M. Vrushabendraiah (a C-category mine, which has not yet been e-auctioned by Mines & Geology Department). As the presently proposed mining lease area is a new proposal, it was not surveyed by the CEC earlier.
- B. **Letter of Intent from Department of Mines & Geology under MMRD (Amendment) Act 2015:** The Secretary, Commerce and Industries Department, Government of Karnataka vide letter dated 16-04-2010 [ANNEXURE-A] has informed the User Agency that the Government has accorded 'in-principle' approval for grant of mining lease and also stated that notification for grant of mining lease will be issued after submission of documents including approval under Forest (Conservation) Act. The Director, Department of Mines & Geology vide letter dated 25-03-2015 [ANNEXURE-B] has reported to the Secretary, C&I Department that the application of Sri D. Ramesh is eligible for grant of mining lease for a period of 50 years as per Section 10A(2)(C) MMRD ordinance 2015 dated 12/1/2015. However, the Director, Department of Mines & Geology (*in response to this office letter dated 25/27-03-2017*) vide letter dated 26-04-2017 [ANNEXURE-C] has provided a list of mining lease applications in respect of cases covered under Section 10A(2)(C) of MMRD Amendment Act, 2015 and the applications wherein the Lease Deed had been executed on or before 11-01-2017 (Copy along with annexures is enclosed).
- C. **Desirability of proposal in the light of forest and environment issues:** Even though, the field officers (DCF as well as CCF) have mentioned the proposal as "Recommended" in **Item 16 of PART-II / III**, they have, in their detailed letters (Ref-3&4) for the proposal have mentioned that the proposed Mining Lease area is a fresh / virgin forest area and removal of trees from this area would lead to severe soil erosion and severe environmental damages. They have further pointed out that approval of new mining lease in the fresh forest area would affect the local flora, fauna and other environmental resources. Further, this office vide letter No. KFD/HOFF/A5-1(MNG)/59/2019-FC (E-117203) dated 13-08-2019 [ANNEXURE-D], while elaborating on various relevant issues connected with new mining proposals, has taken a stand that no fresh forest areas should be considered for prospection or mining activity till a detailed exercise is undertaken in the state for mapping the mineral resources within and outside forest areas and a decision is taken to prioritize exploitation of minerals outside the forest areas.

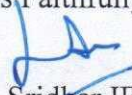
On perusal of the proposed area satellite imagery, it is seen that a portion of the north area of the proposed site is already mined illegally by the northern neighbour who has also done mining in his ML area abutting the proposal site. Eastern side of the proposed site also a little away, there is a clearing which seems to have been worked. The western side of the site



also, a little away, there are cleared lands which seems to have been worked. Beyond this there is a big worked mine. The south eastern portion of the proposed site appears to be devoid of vegetation and some portion seems to have been worked. The western slope of the site seems to have some good vegetation. However, since the proposal is recommended by the Deputy Conservator of Forests, Ballari Division and also by the Chief Conservator of Forests, Ballari Circle and since the proposed site is surrounded by mines / clear and worked areas, **it is recommended for moving the proposal to Government of India for according 'in-principle' (Stage-I) approval for diversion of 6.35 hectare of forest land in Ramanamalai (RM) Block Forest (Ramgad), Sandur Taluk, Ballari District for mining in favour of Sri D. Ramesh s/o D.Pullaiah, City Press Compound, Ballari.**

The hard copy of the proposal along with the relevant documents in 3 sets is submitted herewith for further needful. The present status of the proposal obtained from the web-portal is also appended for necessary action.

Yours, Faithfully



(Punati Sridhar IFS)


Principal Chief Conservator of Forests  
(Head of Forest Force)

1. Copy to Director of Mines and Geology, Khanija Bhavan, Race Course Road, Bengaluru for information.
2. Copy communicated to the Chief Conservator of Forests, Ballari Circle, Ballari for information.
3. Copy communicated to the Deputy Conservator of Forests, Ballari Division, Ballari for information.
4. Copy communicated to Sri D. Ramesh, S/o D. Pullaiah, City Press Compound, Ballari – 583 101 for information.



### ANNEXURE - 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), cost of Compensatory Afforestation, cost of extraction of trees, Land lease rent and any other levies as per the conditions of approval.
3. The User Agency shall demarcate the lease area in the manner specified at the time of approval at its own cost.
4. Mining and transportation of ore will be carried out between sunrise and sunset only.
5. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
6. 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 two years or when it is no longer needed for the stipulated purpose, the area would stand resumed to the Forest Department.
7. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
8. The application for renewal of the lease in the prescribed form and manner shall be submitted at least six months prior to the expiry of forest lease. In case no renewal is sought, the Lessee shall hand over the lease.
9. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
10. No crushing / breaking of stones or labour camp shall be allowed on forest land and all waste / debris generated shall be scientifically disposed off outside the forest area.
11. Any damage to forest area because of implementation of the proposal shall be compensated by the Lessee. The extent of damage shall be assessed by the jurisdictional Deputy Conservator of Forests/ Conservator of Forests/ Chief Conservator of Forests.
12. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
13. In case, any violation of the provisions of the Karnataka Forest Act, 1963 & Rules, 1969 or other relevant Acts/Rules is reported during the lease period, the lease will be liable for forfeiture under Section 82 of Karnataka Forest Act, 1963. The Chief Conservator of Forests / Deputy Conservator of Forests concerned are authorized to take necessary action in this regard.
14. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
15. The User Agency shall also abide by other conditions those may be imposed by the Government of India, Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force) before or after the approval.

  
Principal Chief Conservator of Forests  
(Head of Forest Force)