

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ
Office of the
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು - 560 003
AranyaBhavan, 18th Cross
Malleshwaram, Bengaluru-560 003
Telephone: 080 2334 6472
Email: apccffc@gmail.com

E-office File No. KFD/HOFF/A5-1(MNG)/48/2019-FC
Encl..3 sets enclosed

E-84336
Date 30-08-2022

To,

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

Sir,

Sub: Diversion of 1.4406 hectare of forest land in Ubbalagundi Extension Reserved Forest, Ubbalagundi village, SandurTaluk, Ballari District for Approach Road to Ubbalagundi Iron Mine ML No.008 (*located partly in adjoining Donimalai Block Forest and partly in Ubbalagundi Extension RF*) in favour of M/s JSW Steel Limited, Tornagallu

Proposal No. FP/KA/MIN/39765/2019 [FORM-A]

- Ref:**
1. Online (FORM A PART-I) proposal dated 21/01/2020 (resubmitted) by M/s JSW Steel Ltd r/w uploading of Acknowledgement on 12/02/2020 for having delivered the hard copies of proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner
 2. This office online communication dated 15/02/2020 to Deputy Conservator of Forests, Ballari Division for further processing of proposal and letter dated 18-12-2020 to CCF, Ballari Circle [*seeking details regarding CA land*]
 3. Online submission of PART-II on 17-08-2020 by Deputy Conservator of Forests, Ballari Division r/w online reply dated 01-07-2020 of User Agency to the EDS Query [*Letter No. M1/MNG/JSW/ML No. 008(995)/ Approach Road/2019-20/573 dated 18/08/2020*] and letter dated 28-04-2022 to CCF Ballari [*submission of CA land details*]
 4. Online submission of PART-III on 02-09-2020 by Chief Conservator of Forests, Ballari Circle [*Letter No.M1/MNG/TRF/ML No. 995/JSW/CR-9/2018-19/770 dated 02/09/2020*]and letter dated 24-05-2022 to this office

[submission of CA land details]

1. M/s JSW Steel Limited, Tornagallu [User Agency] has (re)submitted an online proposal (FORM-A PART-I) on 21/01/2020 through FC web portal for seeking approval for Diversion of 1.4406 hectare of forest land in Ubbalagundi Extension Reserved Forest, Ubbalagundi village, Sandur Taluk, Ballari District for Approach Road to Ubbalagundi Iron Mine ML No.008 (located in adjoining Donimali Block Forest) under Section 2 of the Forest (Conservation) Act, 1980. After uploading of Acknowledgement on 12/02/2020 by User Agency on FC web portal for having delivered the hard copies of the proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner, an online communication was made by the Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Ballari Division to process the said proposal further and to submit specific opinion / recommendation.
2. **Location details and component-wise breakup of forest land:** The location and component-wise breakup of forest land required for the project are as under.

District, Taluk, Name of Forest	Village	Sy No.	Project component	Component	Forest extent proposed for diversion (ha)	Status of forest land	
Ballari District, Sandur Taluk, Ubbalagundi Extension RF	Ubbalagundi	-	Approach Road	1	Shoulder-1	0.06003	*Ubbalagundi Extension RF
				2	Drain	0.12005	
				3	Shoulder-2	0.12005	
				4	Two-Lane Carriageway	0.9604	
				5	Berm/Bund	0.18007	
Total					1.4406		

*Madars Government Notification No. 550 dated 12-12-1890

3. **DCF, Ballari Division Report:** The Deputy Conservator of Forests, Ballari Division has inspected the site on 31/07/2020 and has submitted his report and vide Ref (3) has submitted his report along with Site Inspection Report in PART-II to Chief Conservator of Forests, Ballari Circle, Ballari. Main features of the proposal based on the reports of the Deputy Conservator of Forests, Chitradurga Division and Chief Conservator of Forests, Ballari Circle and also that of ICT Centre of the Forest Department are given below.
 - a. The forest land proposed for diversion is in general landscape of Eco-class-III (Tropical Dry Deciduous Forests) with Open Forest (canopy density <0.4)
 - b. As per Item 4(ii) of PART-II, there are no trees located/ required to be felled in the forest land proposed for diversion.
 - c. The forest land proposed for diversion is prone to soil erosion. The User Agency is required to take up soil erosion control measures all along the road and adjoining area.

- d. Major wild animals present in and around the project area include the Leopard, Sloth bear, Four-horned antelope, Jackal, Hare, Wild Boar, Indian porcupine, Monitor lizard, Pangolin, Peafowl and Grey partridge among others.
 - e. There are no other rare / endangered/unique species of flora and fauna reported in the area. The adjoining forest area is sparsely vegetated with mostly the herbs and trees like *Azadirachtaindica*, *Glyricidiasps*, *Cassia siamia*, etc.
 - f. 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.
 - g. There is no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor within one kilometer from the boundary of the forest land proposed for diversion.
 - h. There are no Protected/ Archeological/ Heritage Sites/ Defence/ establishments located in the area.
 - i. The requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project.
 - j. The Deputy Conservator of Forests has reported in his Site Inspection report dated 10-08-2020 uploaded in Item 15 of PART-II that the part (1.41 hectare) of the forest land proposed for diversion is being used as Approach road for transportation of iron ore from the operational mine by M/s JSW Steel Ltd under authorization of the Government of Karnataka (Temporary permission accorded vide letter No. Forest, Ecology and Environment 01 FFM 2019 dated 06-02-2020).
- 4. CCF Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has not inspected the site personally. However, agreeing with the recommendation made by the DCF, Ballari Division, the Chief Conservator of Forests, Ballari Circle has also recommended the proposal. Specific comments of the Chief Conservator of Forests, Ballari Circle are mentioned in Item 15 & 16 of PART-II/III of the proposal cited at Ref (4) above.
- 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 will be required to pay the applicable charges as per the order issued vide the Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division), New Delhi letter F.No. 5-3/2011-FC(Vol-I) dated 06-01-2022 (*guidelines regarding revised rates of NPV*) and dated 19-01-2022 (*regarding proposals applicable for revised rate of NPV*). **The User Agency has submitted an Undertaking dated 20-01-2020 agreeing to pay the Net Present Value (NPV) of the forest land proposed for diversion.**
- 6. Compensatory Afforestation (CA):** The User Agency is required to provide an equivalent extent of suitable (private) non-forest land for CA purpose in accordance with FC guidelines r/w Government of Karnataka Order No. FEE 88 FLL 2016 dated

31-08-2016 and also to pay the CA charges as per prevailing rates. Accordingly, **the User Agency has identified and got mutated the 8-acre (3.237 ha) non-forest (Private) land in Sy No. 142/1, Halabavi Village, Lingasugur Taluk, Raichur District and transferred to Forest Department vide Mutation Register (MR) No. H44/2018-19 Mutation Order dated 08-07-2019). Out of this, an extent of 1.4406 hectare has been earmarked for CA purpose of this proposal. The Deputy Conservator of Forests, Raichur has inspected the said land on 08-11-2021 and has issued CA Land Suitability Certificate dated 10-02-2022. He has also submitted the CA Scheme. As the said land cannot support the required number (1000) of CA plants per hectare, the Deputy Conservator of Forests, Raichur has identified an extent of 1.50 hectare of degraded forest land in Ramloothi RF Village Sy No. 3/1, GuruguntaHobli, LingasugurTaluk, Raichur District to plant the remaining number of plants. The CA related documents (*kml file uploaded, Topo Map, Geo-referenced Map with GPS reading of all corners*)are enclosed herewith. They have also been uploaded online in PART-I/II of the proposal.The User Agency has also submitted an Undertaking to pay the Compensatory Afforestation charges.**

7. **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-I (for Linear 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. Accordingly, **the User Agency is being informed again to obtain the said certificate in prescribed format and submit a copy.**

8. **Additional Information on connected Mining Lease:**

- a. **Mining Lease:** The original mining lease over an area of 80.94 hectare under MMDR Act 1957 was granted by Government of Karnataka for a period of 20 years with effect from 30-09-1970. The first renewal of mining lease was made over an area of 33.60 hectare vide Government of Karnataka Notification No. CI-269-MMM-2005 dated 08-02-2006 for a period of 20 years with effect from 29-09-1990 for ML No. 995. However, the mining lease was later identified as C-category mine by the CEC and was then cancelled by Hon'ble Supreme Court vide Order dated 18-04-2013 in WP (Civil) No. 562 of 2009. Subsequently, the Department of Mines and Geology e-auctioned the said mine and vide letter No. DMG/MLS/AUC/C/995/2018-19 dated 06.10.2018 issued the Letter of Intent for an extent of 32.89 ha for a period of 50 years in favour of M/s. JSW Steel Limited (the instant User Agency). Subsequently, the Director, Mines and Geology Department, Bengaluru has executed the Mining Lease Deed vide No. DMG/MLS/AUC/C/995/2019-20/3538 dated 11.11.2019 for a period of 50 years from the date on which Mining Lease Deed is

registered (i.e., 28.11.2019). **Thus the mining lease is validated upto 28-11-2069.**

- b. **Forest Clearance for mining lease area:** The first time FC under Section 2 of the Forest (Conservation) Act 1980 was accorded by Government of India, Ministry of Environment and Forests, Regional Office, Bengaluru vide No. 4-KRC032/2004-BAN/178 dated 15-05-2006 and followed by Government of Karnataka Order No. FEE 51 FFM 2004 dated 12-07-2006 for diversion of 33.60 ha of forest land for a period of 20 years with effect from 01-04-2005. After the e-auction of the C-category mine by the Department Of Mines And Geology as mentioned above, the Government of India vide letter F.No.4-KRC 032/2004/BAN/334 dated 27.05.2019 r/w the Government of Karnataka Order No. FEE 01 FMM 2019 dated 13.11.2019) have accorded approval for transfer of FC lease to M/s JSW Steel Ltd, Torangallu. In view of the FC being **co-terminus with the mining lease**, the Forest Lease expired after 28-09-2020. **Thus, there is no FC at present.**

Accordingly, the User Agency has uploaded the FC renewal Proposal No. FP/KA/MIN/41793/2019 for 32.89 ha in FORM-B, after field verification from the field officers the Nodal Officer submitted renewal proposal seeking in-principle Stage-I approval vide E-office File No. KFD/HOFF/A5-1(MNG)/48/2019-FC [E-176397] letter dated 29-12-2020 to the Government of Karnataka. Further, forwarded to the Government of India and the Government of India, Ministry of Environment, Forest & Climate Change, Integrated Regional Office, Bengaluru vide letter No. 4-KRC/1297/2021-BAN/121 dated 21-04-2022 has accorded 'in-principle' (Stage-I) approval under the Forest (Conservation) Act, 1980.subject to the conditions detailed therein. Government of Karnataka vide letter No. FEE 06 FMM 2021 (e) dated 28-04-2022 has communicated the same seeking compliance. The same was forwarded by this office vide E-office File No. KFD/HOFF/A5-1(MNG)/48/2019-FC [E-176397] letter dated 06-05-2022 to User Agency and to field officers for compliance of such conditions towards the respective conditions as stipulated therein.

The Deputy Conservator of Forests, Ballari Division has raised Demand Notice for making all statutory payments (Net Present Value, Compensatory Afforestation and other stipulated charges) as mentioned in Stage-I approval to the User Agency. Accordingly, the demand notice was uploaded in the portal by the User Agency and has been accepted by this office after verification. Hence, **Pending with User Agency for payment and submission of the compliance to other conditions stipulated in the Stage-I approval for further processing of the proposal for Stage-II Approval.**

In light of the facts stated above, **it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of**

1.4406 hectare of forest land for approach road to and from Ubbalagundi Iron Mine ML No.008 in Ubbalagundi Extension RF of Ubbalagundi village Ballari Range, Sandur Taluk, Ballari District in Favour of M/s JSW Steel Limited, Tornagallu for a period Co-terminus with the mining lease granted under MMDR Act, 1957 (as Amended) subject to production of FRA certificate and also subject to the conditions specified in Annexure 'A'.

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



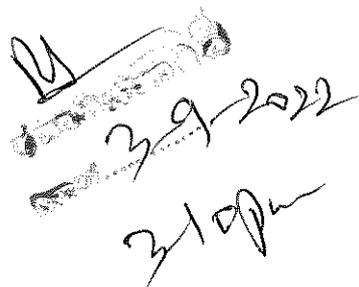
(Raj Kishore Singh IFS) 219

Principal Chief Conservator of Forests

(Head of Forest Force) 016

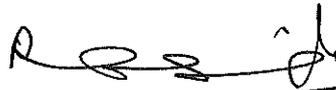
Copy to the:

1. Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. Deputy Conservator of Forests, Ballari Division, Ballari for information.
3. M/s JSW Steel Limited, P.O. Vijayanagar-583 275 Ballari District for information and with a request to obtain and submit the FRA Certificate in FORM-I (for Linear Projects) as mentioned above at the earliest.



ANNEXURE 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be as forest land.
2. The lessee shall pay lease rent as fixed by the Government from time to time.
3. The lease tenure shall be Co-terminus with the mining lease granted under MMDR Act, 1957 (as Amended).
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 Chief Conservator of Forests / Deputy Conservator of Forests concerned is authorized to take necessary action in this regard.
5. In case any violations are committed by the user agency under the forest laws, the forest lease shall be liable for forfeiture under Section 82 of Karnataka Forest Act 1963.
6. No constructions other than other than formation of approach road shall be permitted in the proposed forest area.
7. The User Agency has to pay the Net Present Value (NPV) for forest land diverted.
8. The User Agency has to pay charges towards SMC works in the forest area of the proposed approached road to a width of 100 Mtrs on both sides along with avenue plantation of local species, to be taken up by the Karnataka Forest Department.
9. The User Agency shall ensure that there is no damage to the available fauna and other flora in and around the leased area. Any violation will be liable for action under relevant forest and any other laws.
10. No labour camp shall be established in the forest area.
11. All waste / debris generated shall be scientifically disposed off.
12. All precautions shall be taken to ensure fire- protection of the forest while executing the works.
13. 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.
14. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
15. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act, 1986, if required.
16. The User Agency shall also abide by all the conditions imposed by Government of India, Government of Karnataka and the Principal Chief Conservator of Forests, (Head of Forest Force).


Principal Chief Conservator of Forests
(Head of Forest Force)

PART - IV

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

<p>Detailed opinion & 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>Recommended for diversion of 1.4406 hectare of forest land for approach road to and from Ubbalagundi Iron Mine ML No.008 in Ubbalagundi extension RF of Ubbalagundi village Ballari Range, Sandur Taluk, Ballari District, Karnataka in Favour of M/s JSW Steel Limited, Tornagallu under Section 2 of the Forest (Conservation) Act, 1980 for a period Co-terminus with the mining lease granted under MMDR Act, 1957 (as Amended) subject to production of FRA certificate and also subject to the conditions specified in Annexure 'A'.</p> <p>[Proposal No. FP/KA/MIN/39765/2019, [Form-A]</p>
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Signature:
Name:
Designation:


VIJAY SHARMA IFS
Principal Chief Conservator of Forests
(Forest Conservation) and
Nodal Officer (FCA)

(Official Seal):

Counter signed by:
Name:
Designation:


RAJ KISHORE SINGH IFS
Principal Chief Conservator of Forests
(Head of Forest Force)

(Official Seal):

N.D.O. No: 35/2022-23

Date: 03-09-2022.

