


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 1.645 hectare of forest land in SM Block, DM Block & Sy.No.224 of Bannihatti Village for establishing Main Pipe Conveyor Belt Corridor from Nandihalli Railway Yard to JSW plant in favour of M/s JSW Steel Ltd Vidyanagar, Ballari District with the conditions specified in Annexure 'A' .
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Signature:

Name:
Designation:

 30/01/18
ANIL KUMAR RATAN IFS
Chief Conservator of Forests
(Forest Conservation) and
Additional charge of
Addl. Principal Chief Conservator of Forests
(Forest Conservation) and
Nodal Officer(FCA)

Countersigned by :

Name:
Designation:


A.K. GARG IFS
Principal Chief Conservator of Forests
(Head of Forest Force)

(Official Seal)

N.D.O. No: 40/2017-18

Date: 07-02-2018

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
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No. A5(1).MNG.CR.41/2016-17

Date: 07-02-2018

Encl:

To,

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

Sir,

Sub: Diversion of 1.645 hectare (revised from 1.7456 hectare) of forest land in SM Block, DM Block & Sy.No. 224 of Bannihatti Village (Section-4 proposed area) in Ballari District for proposed Main Pipe Conveyor Belt Corridor from Nandihalli Railway Yard to JSW plant in favour of M/s JSW Steel Ltd Vidyanagar, Ballari District.

Online proposal No. FP/KA/Others/19136/2016.

- Ref: 1 Online proposal dated 29-11-2016 (resubmitted after attending shortcomings on 12-04-2017) of M/s JSW Steel Ltd, Vidyanagar, Ballari District.
- 2 This office online communication dated 20-05-2017 to to Deputy Conservator of Forests, Ballari Divisionn, Ballari.
- 3 Letter No. M1/MNG/JSW/Pipe/2017-18/1691 dated 03-11-2017 of the Deputy Conservator of Forests, Ballari Division (*uploaded on line on 04-11-2017*).
- 4 Letter No. M1/MNG/JSW/TRF/CR-7/2017-18 dated 28-11-2017 of the Chief Conservator of Forests, Ballari Circle (*uploaded online on 05-12-2017*) and 17-01-2018 (*uploaded on 25-01-2018*) in response to this office query dated 22-12-2017.

1. The online proposal re-submitted on 12-04-2017 by the User Agency, viz., M/s JSW Steel Ltd, Vidyanagar, Ballari District for diversion of 1.645 hectare (revised from 1.7456 hectare) of forest land in SM Block, DM Block and Sy.No. 224 (Section -4 proposed area) of Bannihatti village for establishing Main Pipe Conveyor Belt Corridor from Nandihalli Railway Yard to JSW plant was forwarded to the Deputy Conservator of Forests, Ballari Division through online mode on 20-05-2017 for further processing under Section 2 of the Forest (Conservation) Act, 1980.

2. DCF, Ballari Division Report: In response, the Deputy Conservator of Forests, Ballari Division, after receiving additional information from User Agency on 04-10-2017 has submitted the proposal to the Chief Conservator of Forests, Ballari Circle vide his letter dated 03-11-2017 (reference-1) duly recommending the proposal for diversion of 1.645 hectare instead of 1.7456 hectare. Further, the Chief Conservator of Forests, Ballari Circle, vide his letter dated 28-11-2017 (reference-2) has submitted the proposal to this office. The details of the proposal as reported by the Deputy Conservator of Forests, Ballari Division are as follows.

- i. The proposed forest area falls under Eco-Class-III (Southern Dry deciduous forest).
- ii. There are no rare / endangered / unique species of flora and fauna found in the proposed area.
- iii. The proposed corridor is passing through the periphery of forest land where the tree growth is limited. Only clearing of shrubs and bushes and no felling of trees is required in proposed forest land.
- iv. There are no protected / archaeological / heritage sites or defence establishments or important monuments in the area. However, the DRDO establishment is located within 2 kms from proposed Pipe Conveyor belt corridor. M/s JSW Steel Limited has not submitted NOC from competent authority. However, the User Agency has been directed to submit the NOC from competent authority.
- v. The proposed forest area does not form part of any Wildlife Sanctuary, National Park, Biosphere Reserve, Tiger Reserve or Elephant Corridor etc. However, Sy No.224 of Bannihatti village (Section-04 proposed area) is 7.90 km away from the Daroji Bear sanctuary.
- vi. The proposed area is subjected to soil erosion because of steep slope and poor vegetation. Hence, the User Agency is required to take up Soil & Moisture Conservation works all along the pipe conveyor belt corridor.
- vii. There is no violation reported under Forest (Conservation) Act 1980.
- viii. The proposed area required for this project is 21.40 hectare, out of this, 1.645 hectare falls in forest land of different forest blocks in Sandur South Range and remaining balance of 19.755 hectare is falling in revenue land, PWD roadside and JSW industrial area. Initially, the proposal was submitted over an extent of 1.7456 hectare in forest land for diversion and after conducting the joint survey of proposed forest land, the extent of forest land has been reduced to 1.645 hectare.

The details of forest land proposed for diversion is as below.

Sl No.	Area proposed in Forest area	Name of the Forest Block	Village	Forest land proposed in hectare	Legal Status of land
1	Segment-A	S.M.Block	Lakshmipur	0.135	Section 4 forest
2	Segment-B	D.M.Block	Taranagara	0.250	Section 4 forest
3	Segment-C	D.M.Block	Taranagara	0.350	Section 4 forest
4	Segment-D	Sy.No. 224 of Bannihatti Village (Section-4 proposed area)	Bannihatti	0.910	Section 4 forest (proposed)
Total				1.645	

- ix. The User Agency has identified non-forest (patta land) land in Sy.No. 2B/2 of Gonal-61 Village, Hosapete Taluk, Ballari District over an extent of 4.60 Acres (1.866 hectare) in lieu of diversion of 1.645 hectare of forest land for raising Compensatory Afforestation.
- x. M/s JSW Steel Limited has submitted Form-I under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 issued by the Deputy Commissioner, Ballari District on 21-05-2017 and the same is enclosed.
- xi. M/s JSW Steel Ltd. Toranagallu has submitted an undertaking for payment of Net Present Value (NPV) over an extent of 1.645 hectare.

3. CCF, Ballari Circle Report: In this connection, the Chief Conservator of Forests, Ballari Circle has reported that he has inspected the mining lease area on 22-11-2017 and confirmed the same on the ground. He has requested to consider the proposal in light of the directions issued by the Hon'ble Supreme Court of India in Writ Petition No. 562/2009 dated 21-03-2017, wherein it has been amply clarified to install the conveyor system in the steel plants. In order to seek more specific information on the impact of the project from wildlife angle, the Chief Conservator of Forests, Ballari Circle, Ballari was further directed by this office vide letter dated 22-12-2017 to offer specific remarks on the points raised. In response, the Chief Conservator of Forests, Ballari Circle vide letter dated 17-01-2018 has offered specific remarks as follows.

- i. It is reported that the Survey No.224 of Bannihatti village of Sandur Taluk, is located inside the Eco-Sensitive Zone (Section 4 proposed area), which is default Eco-Sensitive Zone of Daroji Wildlife

Sanctuary (10 km). However, as per the draft Gazette Notification of the Ministry of Environment, Forest and Climate Change dt: 22-09-2015, the revised Eco-Sensitive Zone for Daroji Bear Sanctuary is varying from 150 mtr to 4.7 km around the boundary of the sanctuary. The final Notification of the Eco-Sensitive Zone is yet to be finalized and published by the Ministry.

- ii. It is reported that the following Flora and Fauna are rarely found here and there in the vicinity where pipe conveyor belt project is to be established.

Flora: Acacia catechu, Albizia amara, Anogeissus latifolia, Cassia fistula, Carissa carandus, Dodonaea viscosa.

Fauna: Hare, Peafowl, Sloth Bear, wild boar, Leopard, Grey partridge, Indian porcupine.

4. It is reported that the proposed pipe conveyor belt which is to be erected will be on columnar structures and it traverses through periphery of the forest boundary all along the railway line and PWD road also. As such, the adverse impact on the free movement of the wild animals in the proposed vicinity is barest minimum. Further, it is suggested to fix the limitation of the time to operate the conveyor belt, in order to facilitate and to ensure the adverse impact on the free movements of wild animals, especially during the night times.
5. **Compensatory Afforestation:** The User Agency has identified non-forest (patta land) land in Sy.No. 2B/2 of Gonal-61 Village, Hosapete Taluk, Ballari District over an extent of 4.60 Acres (1.866 hectare) in lieu of diversion of 1.645 hectare of forest land for raising Compensatory Afforestation.
6. **RoFR Compliance:** M/s JSW Steel Limited has submitted Form-I under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 issued by the Deputy Commissioner, Ballari District on 21-05-2017 and the same is enclosed.
7. **Net Present Value (NPV):** M/s JSW Steel Ltd. Toranagallu has submitted an undertaking for payment of Net Present Value (NPV) over an extent of 1.645 hectare.
8. Further, it is to submit that the Hon'ble Supreme Court in judgment dated 21-03-2017 (copy enclosed) passed in IA No. 247 & other IAs in Writ Petition Civil No. 562/2009 have approved construction of conveyor belt system, railway sidings and railway sub-lines as the most significant step towards controlling the environmental pollution that has persisted on account of open movement of iron ore by road.

In light of the facts stated above, it is requested to move this online proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 1.645 hectare of forest land in SM Block, DM Block

& Sy.No.224 of Bannihatti Village of Sandur Taluk, Ballari District, for establishing Main Pipe Conveyor Belt Corridor from Nandihalli Railway Yard to JSW plant in favour of M/s JSW Steel Ltd, Vidyanagar, Ballari District subject to the conditions specified in Annexure 'A'.

The hard copy of the proposal along with the relevant documents in 2 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


Principal Chief Conservator of Forests
(Head of Forest Force)

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

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. You are required to submit RTC and Mutation copy of the non-forest land proposed for Compensatory Afforestation, ensuring that the legal status of the said land is duly changed to **'Forest'** in column no. 9 of RTC and Mutation at the earliest.

ANNEXURE 'A'

Enclosure to letter No. A5(1).MNG.CR.41/2016-17

dated: 07-02-2018

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 Govt. from time to time.
3. The lease tenure is for a period of 30 (thirty) years.
4. 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.
5. The User Agency shall get 1.645 hectare compensatory afforestation land mutated as 'Forest' and transferred to the Forest Department and shall pay CA charges for 1.645 hectare.
6. The leased 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.
7. In case of any violations, the proposal Forest Land shall be liable for forfeiture under Section 82 of Karnataka Forest Act 1963.
8. No residential buildings shall be permitted in the proposed forest area.
9. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
10. In order to safeguard the wildlife interests and free movement of wild animals during night, transportation of ore through Conveyer Belt will be limited to sunrise to sunset.
11. The User Agency shall ensure that there should be no damage to the available fauna and other flora.
12. No labour camp shall be established on the forest land.
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 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)