

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನಮುಖ್ಯ 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

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E Office No. KFD/HOFF/A5-1(MNG)/12/2018-FC
Encl: 3 sets proposal

E 62505
Date 11-02-2019

To,

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

Sir,

Sub: Diversion of 16.676 hectare (revised from 16.788 ha) of forest land for establishing Pipeline Conveyor Belt System in respect of Thimmapanagudi Iron Ore Mine (ML No. 2605) in favour of Karnataka State Mineral Corporation Limited (*erstwhile M/s Mysore Minerals Limited*), Bengaluru – reg.

Proposal No. FP/KA/MIN/36390/2018

- Ref:**
1. Online proposal dated 25-10-2018 (resubmitted after attending shortcomings) of Karnataka State Mineral Corporation Limited and uploading of Acknowledgement on 18-12-2018 for having delivered the hard copy of proposal to jurisdictional DCF & DC.
 2. This office online communication dated 21-12-2018 to DCF, Ballari Division.
 3. Submission of PART-II (uploaded online on 24-01-2019) of DCF, Ballari Division [Letter No. M1/MNG/MML(T)/Conveyor belt/2018-19/617 dated 17-01-2019].
 4. Submission of PART-III (uploaded online on 28-01-2019) of the Chief Conservator of Forests, Ballari Circle [Letter No. M1/MNG/Renew/CR-02/2008-09(MML) dated 24/28-01-2019].

1. Online proposal resubmitted after attending shortcomings on 25-10-2018 by the User Agency viz., M/s Karnataka State Mineral Corporation Limited (*erstwhile Mysore Minerals Ltd*), BMTC Building, KH Road Shanthinagar, Bengaluru for diversion of 16.676 hectare (revised from 16.788 ha) of forest land for establishing Pipeline Conveyor Belt System for Thimmapanagudi Iron Ore Mine (ML No. 2605) was accepted by the Nodal Officer on 05-11-2018. After receiving the acknowledgement of User Agency through online mode on 18-12-2018 for having delivered the hard copy of the proposal to Deputy Conservator of Forests, Ballari Division and Deputy Commissioner, Ballari District, the online link was forwarded to the Deputy Conservator of Forests, Ballari Division on 21-12-2018 for field verification and further processing under Section 2 of the Forest (Conservation) Act, 1980.

2. **Location and component-wise details:** The details of forest land proposed for diversion are as given below.

District & Taluk	Village / Name of Forest Block	Component	Extent of Forest Land (ha)	Legal status of land
Ballari District, Sandur Taluk	North East Block (NEB)	Discharge Point	0.98	Section 4 notified forest area [Government of Karnataka Notification No. FFD 29 FAF 84 dated 28-02-1985]
		Approach Road 1	4.339	
		Approach Road 2	2.749	
		Conveyor 1	4.888	
		Conveyor 2	3.72	
Total			16.676	

[Note: Total requirement of the land for the project is 17.45 hectare, out of which 16.676 hectare is forest land and the remaining 0.774 hectare is non-forest land.]

3. **DCF, Ballari Division Report:** The Deputy Conservator of Forests, Ballari Division has inspected the site on 16-01-2019 and has submitted Site Inspection Report along with PART-II of the proposal to the Chief Conservator of Forests, Ballari Circle vide ref-3 duly recommending the proposal. Details of the proposal as reported by the Deputy Conservator of Forests, Ballari Division are as follows.
- The forest area proposed for diversion is in Eco-Class-III (Tropical Dry Deciduous Forests) landscape with a canopy density of 10%. [Note: The entry made in Item 4(i) of PART-II may be read accordingly.]
 - The proposed area is prone 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 and around the Pipeline Conveyor Belt and Service Road.
 - As per Item 4(ii) in PART-II, there are 2450 trees in 31-60 cm and above girth classes on the forest land concerned. Major tree species include *Terminalia tomentosa*, *Boswellia serrata*, *Acacia catechu*, *Grewia tiliaefolia*, *Azadirachta indica* and *Hardwickia binnata* among others.
 - Major wild animals found in and around the proposed area include Leopard, Sloth bear, Four-horned Antelope, Jackal, Hare, Monitor Lizard, Porcupine, Peafowl, etc.
 - There are no protected / archaeological / heritage sites or defence establishments or important monuments in the area.
 - The forest area proposed for diversion does not form part of National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve / Elephant Corridor etc.
 - The forest area proposed for diversion is not located in Eco-sensitive Zone of any National Park or Sanctuary. It is 11.21 km away from the Daroji Bear Sanctuary and 21.77 km away from the Gudekote Bear sanctuary.
 - There is no violation reported under Forest (Conservation) Act 1980.


4. **CCF, Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has not inspected the site personally, but agreeing with the recommendation of the Deputy Conservator of Forests, Ballari Division, he has recommended the proposal vide Ref(4) along with his opinion in PART-III online.
5. **Compensatory Afforestation (CA):** In lieu of diversion of 16.676 hectare (41.50 Acre) of forest land involved in the proposal, the User Agency is required to provide equivalent non-forest land for CA purpose. The User Agency has identified Government (C & D) land in Sy No. 1251(P) of Kuduthini Village, Ballari Taluk & District over an extent of 16.676 hectare for raising CA. The documents in respect of CA land like Geo-referenced Map, Topo Map, CA Suitability Certificate & KML File are enclosed. As the said CA land was allotted to the User Agency long back, it needs to be verified that it has not been shown against any other FC proposal. However, in view of urgency of processing ordered by Hon'ble Supreme Court for Conveyor Belt proposals, such verification would be undertaken in due course and necessary corrective action will be taken if required.
6. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land being diverted under this proposal as per the conditions stipulated by Government of India, Ministry of Environment and Forests & Climate Change, New Delhi vide letter No. 11-9/98-FC dated 13-02-2014 and Orders dated 28-3-2008 and 9-5-2008 of Hon'ble Supreme Court of India in I.A. No. 826 in I.A. 566 in WP(C) No. 202/1995. The User Agency has submitted an '**Undertaking**' for payment of Net Present Value (NPV).
7. **RoFR Compliance:** The User Agency is required to obtain RoFR Compliance Certificate in FORM-II (Hybrid Projects) under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 from the jurisdictional Deputy Commissioner. The User Agency has not enclosed the required certificate with the proposal. However, it has submitted a request made vide letter dated 20-11-2018 to the Deputy Commissioner, Ballari District for the purpose. Further, **the User Agency is being informed to obtain and submit the required RoFR Compliance Certificate.**
8. In order to facilitate the free movement of wild animals during the night hours, and to reduce the adverse impact of mining related activities in the area, it is suggested to limit the operational time of the conveyor belt system only to day hours i.e., sunrise to sunset.
9. **In order to comply with the order dated 07-12-2017 of Hon'ble Supreme Court in IA No. 247 in WP(Civil) No. 562/2009 regarding mandatory establishment of Conveyor Belt System for mining leases specified therein, which includes the present one, the proposal is required to be processed expeditiously for clearance under FC Act.**

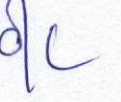
In light of the facts stated above, it is requested to move the proposal with the Government of India for **according 'in-principle' (Stage-I) approval for diversion of 16.676 hectare (revised from 16.7878 ha) of forest land for establishing Pipeline Conveyor Belt System for Thimmapanagudi Iron Ore Mine (ML No. 2605) in favour of Karnataka State Mineral Corporation Limited (erstwhile M/s Mysore Minerals**

Limited), Bengaluru subject to submission of RoFR Compliance Certificate and 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,


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 and **with instruction to submit CA scheme immediately.**


Copy to the M/s Karnataka State Mineral Corporation Limited (erstwhile Mysore Minerals Ltd) TTMC "A" Block, 5th Floor, BMTC Building, KH Road, Shanthinagar, Bengaluru – 560 027 for information and necessary action to **obtain and submit the RoFR Compliance Certificate as mentioned above.**


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ANNEXURE 'A'

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 Government from time to time.
3. The lease tenure is for a period co-terminus with the MMDR lease.
4. The User Agency has to pay the Net Present Value (NPV), Compensatory afforestation Charges, Lease Rent and other government dues as per norms.
5. 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 are authorized to take necessary action in this regard.
6. In case of any violation, the proposal Forest Land lease shall be liable for forfeiture under Section 82 of Karnataka Forest Act 1963.
7. No residential buildings shall be permitted in the proposed forest area.
8. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
9. In order to safeguard the wildlife interests and free movement of wild animals during night, transportation of ore through Conveyer Belt will be limited between sunrise and sunset.
10. The User Agency shall ensure that there should be no damage to the available fauna and other flora.
11. No labour camp shall be established on the forest land.
12. 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.
13. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
14. The User Agency shall also abide by all the conditions imposed by Government of India, Government of Karnataka and 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 16.676 hectare of forest land for establishing Pipeline Conveyor Belt System for Thimmapanagudi Iron Ore Mine (ML No. 2605) in favour of Karnataka State Mineral Corporation Limited (erstwhile M/s Mysore Minerals Limited), Bengaluru subject to submission of RoFR Compliance Certificate and the conditions specified in Annexure 'A'.</p> <p>(Proposal No. FP/KA/MIN/36390/2018)</p>
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Signature:

Name:
Designation:

JAGMOHAN SHARMA IFS
Addl. Principal Chief Conservator of Forests
(Forest Conservation) and Nodal Officer (FCA)

Countersigned by :

Name:
Designation:

PUNATI SRIVIDHAR IFS
Principal Chief Conservator of Forests
(Head of Forest Force)

N.D.O. No: 40/2018-19

Date: 13-02-2019

(Official Seal)

