

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

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



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

E-office File No. KFD/HOFF/A5-1(MNG)/5/2022-FC
Encl....

E-716440

Date 13-02-2023

To,

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

Sir,

Sub: Diversion of 3.028 ha of forest land in Tumbaraguddi RF, Sy No. 1A/1 of Jiganahalli Village, Choranuru Hobli, Sandur Taluk, Ballari District for approach road [connecting from main road to mining area ML No.2482 passing through forest and Revenue land] in favour of M/s Marwa Mining Company, Kudligi.

Proposal No. FP/KA/MIN/153210/2022 [FORM-A]

- Ref:**
1. Online (FORM A PART-I) proposal dated 29-10-2022 (resubmitted) M/s Marwa Mining Company r/w uploading of Acknowledgement on 13-12-2022 for having delivered the hard copies of proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner
 2. This office online communication dated 14-12-2022 to Deputy Conservator of Forests, Ballari Division for further processing of proposal r/w letter dated 08-02-2023 [seeking information regarding ESZ zone of 'Gudekote Sloth Bear Sanctuary']
 3. Online submission of PART-II on 23-01-2023 by Deputy Conservator of Forests, Ballari Division [Letter No. M1/MNG/Marwa/2482/(Road)/2022-23(No.153210)/2022-23 dated 20-01-2023] r/w letter dated 08-02-2023 [clarification regarding ESZ zone of 'Gudekote Sloth Bear Sanctuary']
 4. Online submission of PART-III on 24-01-2023 by Chief Conservator of Forests, Ballari Circle [Letter No. M1/MNG/VNKM/RENEW/CR-9/2000-01(MARWA)(Road)/2497 dated 24-01-2023]

1. M/s Marwa Mining Company, Kudligi [User Agency] has (re)submitted an online proposal (FORM-A PART-I) on 29-10-2022 through FC web portal for seeking approval for diversion of 3.028 ha of forest land in Tumbaraguddi RF, Sy No. 1A/1 of Jiganahalli Village, Choranuru Hobli, Sandur Taluk, Ballari District for approach road [connecting from main road to mining area ML No.2482 passing through forest and Revenue land] under Section 2 of the Forest (Conservation) Act, 1980. After

uploading of Acknowledgement on 13-12-2022 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, Hobli Name of Forest	Village	Sy No.	Project component	Forest extent proposed for diversion (ha)	Status of forest land
Ballari District, Choranuru Hobli Sandur Taluk, Tumbaraguddi RF	Jiganahalli	1/1A	Approach Road	3.028	* Tumbaraguddi RF

*Madars Government Notification No. 199 dated 20-05-1890

Component wise breakup of the forest land requirement for the project is given below.

Name of component	Length (mtr)	Width (mtr)	Forest extent proposed for diversion (ha.)
Carriage way (Hilly Terrain)	1428	10	1.428
Drain (Hilly Terrain)	204	10	0.204
Shoulder (Hilly Terrain)	408	10	0.408
Carriage way (Plain Surface)	691.6	10	0.6916
Drain (Plain Surface)	197.6	10	0.1976
Shoulder (Plain Surface)	98.8	10	0.0988
Total	3028	10	3.028

3. **DCF, Ballari Division Report:** The Deputy Conservator of Forests, Ballari Division has inspected the site on 18-01-2023 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, Ballari Division and Chief Conservator of Forests, Ballari Circle and also that of ICT Centre of the Forest Department are given below.

- 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)
- As per Item 4(ii) of PART-II, there are 148 trees in different Girth Classes in the forest land proposed for diversion. Main species include *Albizia amara*, *Acacia catechu*, *Eucalyptus spp*, *Diasporus melanoxylon*, *Pongamia pinnata*, *Pterocarpus marsupium*, *Syzigium cumini*, *Feronia elephantum*, *Cassia fistula*, *Zizyphus jujuba*, *Azadirachta indica*, *Terminalia tomentosa*, *Tectona grandis*, *Dalbergia latifolia*, *Aegle marmelos*, *Hardwickia binata* and *Acacia concinna* etc.,

- c. The out of 3.028 ha (3028 meters) forest land proposed for diversion 2.04 ha (2040 meters) is prone to soil erosion. The User Agency is required to take up soil erosion control measures all along the road.
 - d. Major wild animals present in and around the project area include the Leopard, Sloth bear, 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 forest land proposed for diversion.
 - 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. The forest land proposed for diversion is 7.36 km away from the Gudekote Sloth Bear Sanctuary and 6.08 kms away from the Proposed / Revised Eco-sensitive zone area of Gudekote Sloth Bear Sanctuary which was approved and submitted by Government of Karnataka to Government of India On 13-09-2022.
 - h. There are no Protected/ Archaeological/ Heritage sites or Defence establishments or important monuments in the area.
 - i. There is no violation reported under Forest (Conservation) Act, 1980.
 - j. The requirement of forest land for the project is bare minimum and unavoidable.
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), dated 19-01-2022 (regarding proposals applicable for revised rate of NPV) and dated 22-03-2022 (regarding proposals applicable for revised rate of NPV). The User Agency has submitted an Undertaking dated 14-12-2022 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 3.034 ha of non-forest (Private) land in Sy No. 93 and 94 of Tumti Village, Toranagal Hobli, Sandur Taluk, Ballari District for CA purpose and as per Form-A, L (iv) (e) the User Agency are the present land owners of the proposed CA land. The User Agency has uploaded the CA land information (Topo Map, Geo-referenced Map along with GPS readings of all**

corners and KML file in PART-I of the proposal. Further, the Deputy Conservator of Forests, Ballari Division has inspected the said land on 08-09-2022 and has issued CA Land Suitability Certificate dated 08-09-2022 and has also submitted the CA Scheme in Item 13 of PART-II of the proposal. The hard copies of CA related information (*Topo Map, Geo-referenced Map, RTC, Mutation Register, CA Land Suitability Certificate and CA Scheme*) are enclosed herewith. Further, **the User Agency has also submitted an Undertaking dated 14-02-2019 agreeing 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. **Eco-sensitive Zone:** with regard to the “Gudekote Sloth Bear Sanctuary”, the Sanctuary was notified as “Gudekote Sloth Bear Sanctuary” vide Notification No. FEE-72, FWL-2013 Dt. 11.11.2013 over an extent of 3848.84 hectares. Subsequently, the Ministry of Environment, Forest and Climate change has notified ‘Eco-Sensitive Zone area’ vide Notification Dt. 06.07.2017. Thereafter, Halasagara Reserve Forests – 912.33 hectares included vide corrigendum issued on 21.09.2016. Further, the additional area of 12005.48 hectares included and notified vide Notification No. FEE-62 FWL-2019 dated 16.05.2019. Thus, total area of 16766.66 hectares declared as “Gudekote Sloth Bear Sanctuary”.

In this regard, the Revised draft Notification for declaration of **Eco-Sensitive Zone area** around “Gudekote Sloth Bear Sanctuary” has been submitted by the Deputy Conservator of Forests, Ballari division vide letter dated. 28.10.2021 which has been approved by State Cabinet and submitted to the Government of India vide letter No. E-FEE 97 FWL 2020(P-2) Dt.13.09.2022.

In this regard, the proposed forest land to be diverted (i.e. 3.028 Ha for Approach Road) is 7.36 km away from the Gudekote Sloth Bear Sanctuary and 6.08 kms away from the **Proposed / Revised Eco-sensitive zone area** of Gudekote Sloth Bear Sanctuary which was approved and submitted by Government of Karnataka to Government of India.

- b. **Mining Lease under MMDR Act:** The Commerce and Industries Department, the Government of Karnataka had accorded sanction of Mining Lease vide C&I Notification No. CI 179 MMM 79 dated. 25.04.1980 in favour of Sri. V. Narayana Kutty (VNK) Menon for a period Twenty (20) years for an extent of 82 Acers. Further, Director, Mines & Geology Department, Bangalore has executed the Lease Deed on 05.07.1980 for grant of Mining Lease (ML No. 1676) for an area of 82 Acers (33.19 Ha). The Lease was valid for a period of **20 years w.e.f. 05.07.1980**, thus making it valid up to **05.07.2000**. Upon completion of lease

period (on 04.07.2000) and before further renewal, the User Agency (M/s. VNK Menon) had surrendered unbroken area of 10.74 ha out of 33.19 ha of the initial Mining Lease area.

Later on, the Commerce and Industries Department, the Government of Karnataka had accorded sanction of Mining Lease (vide C&I Notification No. CI 21 MMM 2004 dated.27.09.2004 in favour of Sri V.N.K Menon for a period Twenty (20) years over an extent of 22.45 ha. In pursuance of the same, Director, Mines & Geology Department Bangalore has executed the lease deed on 21.03.2005 for renewal of Mining Lease (ML No. 2482) over an area of 22.45 Ha with the Lessee for a period of 20 years w.e.f. 06.09.2000, thus making it valid up to 05.07.2020.

Upon request by the User Agency, the Mining Lease was transferred from Shri. V.N.K. Menon to M/s. Marwa Mining Company, Kudligi under MMDR Act, 1957 vide Government of Karnataka order No. CI 188 MMM 2005 dated 24.10.2005.

The Commerce and Industries Department, Government of Karnataka has extended the mining lease period till 05.07.2020 as per the MMDR (Amendment) Act, 2015, imposing certain conditions (vide No. CI 111 MMM-2015 dated 25.04.2015; Sl. No. 39 thereof) to the Lessee. Thereafter, the Commerce and Industries Department, the Government of Karnataka has issued corrigendum (vide No. CI 111 MMM 2015 Dt.10.12.2021) and **extended upto 05.07.2030, thus making it valid up to 05.07.2030.**

- c. **Forest Clearance for mining lease area:** The Government of the India, MoEF, New Delhi has accorded initial approval for Forest Clearance under the provisions of Section-2 of Forest (Conservation) Act, 1980 (vide file No. 8-73/2001-FC Dt. 25.07.2003) and the Government of Karnataka Order No. FEE 27 FFM 2001 Dt. 06.09.2003 for diversion of 22.45 hectares (already broken up area) of forest land in Jigenahalli Village, Tumbaraguddi RF, Sandur South Range, Sandur Taluk, Ballari District in favour of Shri V.N.K. Menon for a period shall be co-terminus with the lease granted under MMRD Act, 1957. the Forest Clearance was transferred from Shri. V. N. K. Menon to M/s. Marwa Mining Company, Kudligi under Forest (Conservation) Act, 1980 vide Letter No. F.No.15-7/2006-ROHQ Dt. 22.06.2006 of the Government of India and order No. FEE 62 FFM 2004 Dt.06.07.2006 of Government of Karnataka.

Further, Government of Karnataka (vide GO No. FEE 21 FFM 2022 Dt. 24.06.2022), in pursuance to the guidelines from the MoEF&CC, Govt of India has accorded approval for extension of Forest Clearance period co-terminus with the period of mining lease in accordance with MMDR Act, 2015 (up to 05.07.2030) in respect of M/s. Marwa Mining Company, Kudligi (ML No. 2482) **thus making the Forest Clearance valid up to 05.07.2030.**

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 3.028 ha of forest land in Tumbaraguddi RF, Sy No. 1A/1 of Jigenahalli Village,**

Choranuru Hobli, Sandur Taluk, Ballari District for approach road [connecting from main road to mining area ML No.2482 passing through forest and Revenue land] in favour of M/s Marwa Mining Company, Kudligi 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)

Principal Chief Conservator of Forests
(Head of Forest Force)

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 Marwa Mining Company, D.No.687, 13th Ward, "UMER MANZIL", Kuligi Taluk, Vijayanagar District-583135 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 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 approach 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)

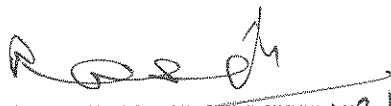
<p>Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.</p> <p>(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).</p>	<p>Recommended for diversion of 3.028 ha of forest land in Tumbaraguddi RF, Sy No. 1A/1 of Jiganahalli Village, Choranuru Hobli, Sandur Taluk, Ballari District for approach road [connecting from main road to mining area ML No.2482 passing through forest and Revenue land] in favour of M/s Marwa Mining Company, Kudligi 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/153210/2022, [Form-A]]</p>
--	---

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 2/2/23
Principal Chief Conservator of Forests
(Head of Forest Force)

(Official Seal):

N.D.O. No: 63/2022-23

Date: 14-02-2023.

