

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 the proposal for according 'in-principle' (Stage-I) approval for diversion of 4.74 hectare of forest land in Donimalai Forest Block, Section-4 notified area in Sandur South Range, Ballari District for use of approach road in favour of M/s JSW Steel Ltd. Ballari with the conditions specified in **Annexure 'A'**. Condition No. 2 therein is *emphasized*.

Signature:

Name:

Designation:



JAGMOHAN SHARMA IFS
Nodal Officer &

**Additional Principal Chief Conservator of Forests
(Forest Conservation), Bengaluru**

Counter signed by :

Name:

Designation:


K.S. SUGARA IFS
**Principal Chief Conservator of Forests
(Head of Forest Force), Bengaluru**

(Official Seal):

N.D.O. No: 07/2017-18.

Date: 15-07-2017.

Government of Karnataka
Forest Department

C.No.18243

No. A5(1).MNG.CR.12/2016-17
Encl: pages

Office of the
Principal Chief Conservator of Forests
(Head of Forest Force),
Aranya Bhavan, Malleshwaram,
Bengaluru - 560 003, dated: 15-06-2017.
07

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

Sub: Diversion of 4.74 hectare of forest land in DM Block, Sandur Taluk, Ballari District for use of existing approach road to ML No. 2366 in favour of M/s. JSW Steel Ltd., Ballari. Online proposal No. FP/KA/ROAD/21837/2016 dated: 17-10-2016.

- Ref: 1. Letter No.M1/MNG/BLY/Tunga/MLNo.2366/2016-17 dated: 16/20-05-2017 of the Deputy Conservator of Forests, Ballari Division.
2. Letter No. M1/MNG/TML/TRF/M.L.2366/CR-12/2016-17 dated: 29-05-2017 of the Chief Conservator of Forests, Ballari Circle.

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The online proposal (FP/KA/ ROAD/21837/2016 dated: 17-10-2016) for diversion of 4.55 hectare of forest land in DM Block, Sandur Taluk, Ballari District for use of existing approach road submitted by M/s. JSW Steel Ltd., Ballari has been forwarded to the Deputy Conservator of Forests, Ballari Division through online on 17-01-2017 for further processing. In response to the said communication, the Deputy Conservator of Forests, Ballari division after processing the said proposal, has submitted the same to the Chief Conservator of Forests, Ballari Circle vide his letter dated 16/20-05-2017 (reference-1) duly recommending the proposal for diversion of 4.74 hectare instead of 4.55 hectare. Further, the Chief Conservator of Forests, Ballari Circle, Ballari vide his letter dated 29-05-2017 (reference-2) has submitted the proposal to this office with the following recommendations.

1. The instant mining lease area of M/s. Tungabhadra Minerals Pvt. Ltd. bearing M.L.No.2366 is situated in Donimalai Block of Sandur taluk, Ballari district is having a common lease boundary with another M.L.No.2365 of

the same user agency. The original lease was granted by the Department of Commerce and Industries, Govt. of Karnataka vide Notification No.CI 24 EMO 68 dated 15-04-1968 under MMDR Act w.e.f. 15-04-1968 for a period of 20 years over an extent of 1800.00 acres (728.44 hectares) with ML No. 1703 for extraction of Iron & Manganese ore in favour of M/s Mysore Minerals Ltd., Bengaluru (State Govt. undertaking Company). Subsequently, the 5 leases of M/s Mysore Minerals Ltd., Bengaluru have been transferred to M/s. Tungabhadra Minerals Pvt Ltd. Goa (including ML 2366) vide transfer Notification No.CI 168 MMM 84 dtd.10/11-09-1985 of Commerce & Industries Department, Govt. of Karnataka, Bengaluru. It was first renewed for a period of 20 years w.e.f. 14-11-2000 vide Department of Commerce and Industries Notification No. CI 10 MMM 2002 dated: 23-03-2002 over an extent of 33.97 hectares.

2. The lease for mining area was approved by the Government of India, Ministry of Environment and Forests, New Delhi vide its letter No. 8-112/2000-FC, dated : 08/09-01-2001 and Government of Karnataka order No. FEE 86 FFM 2000 dated: 17-02-2001 and FC approval is granted for a period of 20 years w.e.f. date of issue of Government of India letter dated:08/09-01-2001 over an extent of 33.97 hectares (already broken up) imposing certain conditions.
3. However, after conducting the joint survey of the said mining lease area by the Central Empowered Committee as per the orders of Hon'ble Supreme Court of India in W.P.No.562/2009, it has been categorized under 'C' category and consequently the mining lease of M/s. Tungabhadra Minerals Limited, M.L.No.2366 was cancelled. Now, the said mining lease area has been e-auctioned by Department of Mines & Geology on the direction of the Hon'ble Supreme Court of India vide its order dated 18-04-2013 and M/s JSW Steel Ltd. has been issued a letter of intent for grant of this lease area for an extent of 33.21 hectares for a period of 50 years.
4. The earlier user agency did not obtain the forest clearance for use of the approach road outside the lease area. The new user agency M/s JSW Steel Ltd. has now submitted proposal for forest clearance for road under Forest (Conservation) Act, 1980.
5. Deputy Conservator of Forests, Ballari, has submitted the proposal after duly revising the extent to 4.74 hectare from 4.555 hectare on the basis of

the joint survey by Forest and Mines and Geology Departments. The details of approach road required in the forest land are as under.

Stretch Marked on Map as	Length (Meters)	Average Width (Meters)	Area (Ha)	Remarks
A to B	71.32	12	0.09	Stretch of Road falling in Forest area
B to C	225.23	12	0.27	Stretch of road falling in M.L.No.2365.
C to D	1486.78	12	1.78	Stretch of Road falling in Forest area
D to E	419.93	12	0.50	Stretch of road falling in M.L.No.2365.
E to F	867.84	12	1.04	Stretch of Road falling in Forest area
F to G	880.61	12	1.06	Stretch of road falling in M.L.No.2365.
Total	3951.71	12	4.74	

6. By virtue of declaring M/s. JSW Steel Limited as a successful bidder in respect of M.L.No.2366 & 2365, this instant proposal for diversion of old existing approach road may be granted for a period of 50 years, i.e., co-terminus with the lease period under MMDR Amendment Act, 2015.
7. Portion of the approach road falling inside the forest area is 2.91 hectares marked as A to B, C to D and E to F. And remaining 1.83 hectares of approach road falls inside the ML.No 2365, which is marked B to C, D to E & F to G on the map. The Forest clearance for M.L.No. 2365 is not obtained, therefore, the user agency i.e. M/s. JSW Steel Limited is required to obtain Forest Clearance for the approach road lying inside of the M.L.No.2365.
8. M/s. JSW Steel Limited has also been allotted M. L. No. 2365 in addition to M. L. No. 2366. The alignment of the approach road may change in future as per the Approved IBM Mining Plan approved for M. L. No. 2365.
9. The above user agency has identified non-forest land in Sy.No.74/1 of Thimalapura Village, Lingasuguru taluk, Raichur District over an extent of 4.74 hectares for raising CA plantation. But, the said non-forest land is yet to be mutated and transferred in favour of the Forest Department and the same will be submitted in due course.

10. The proposed approach road has already reported to have been formed by the earlier user agency M/s Tungabhadra Mineral Limited. Hence, suitable penalty may be imposed for raising Penal Compensatory Afforestation for regularization of the same. Since the said approach road is pre-existing felling of trees is not involved.

11. The Deputy Commissioner, Ballari has issued Form-I as required under the Forest Rights Act, 2006.

Further, the Chief Conservator of Forests, Ballari Circle has reported that he has inspected the mining lease area on 07-04-2017 while recommending the transfer proposal from M/s. Tunghabhadra Minerals Limited (M.L.No.2366) to M/s JSW Steels Limited, Toranagallu. He has requested to move the proposal with the Government for according grant of old existing approach road over an extent of 4.74 hectare of forest land in D.M. Block of Sandur Range subject to according approval of transfer of lease over an extent of 33.21 hectares under section 2 of the Forest (Conservation) Act, 1980, which was already recommended by his office.

Both, Deputy Conservator of Forests, Ballari Division and Chief Conservator of Forests, Ballari Circle have recommended for imposing penalty on the present user agency (i.e. M/s JSW Steel Ltd.) for this approach road which was formed by the erstwhile lessee i.e. M/s. Tungabhadra Minerals Pvt. Ltd. Whether the same may be imposed on the present user agency for the violation made by the erstwhile lessee may kindly be decided and communicated to the Government of India at the time of recommending this proposal.

Further, it may also be recalled that the proposal for transfer of FC approval from erstwhile lessee i.e. M/s. Tungabhadra Minerals Pvt. Ltd. ML No. 2366 (which was accorded earlier by the Government of India vide letter No. 8-11/2000-FC dated 08/09-01-2001 for diversion of 33.97 hectare) to the new lessee (M/s. JSW Steel Limited) was recommended to the Government of Karnataka vide this office letter No.A5(1) MNG.CR-47/2016-17 dated 24-04-2017. The said proposal was further recommended to Government of India by the Government of Karnataka vide letter No. FEE 34 FFM 2017 dated 22-05-2017.

The Hon'ble Supreme Court in judgment dated 21-03-2017 passed in IA No. 247 & other IAs in Writ Petition Civil No. 562/2009 have approved construction of conveyer 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. Such infrastructure is yet to be established and made operational. Accordingly, the user agency should take necessary anticipatory action to enable integration of transportation of ore produced from their lease area, and thereby preclude the need for transportation by road, once the abovementioned transportation system of conveyer belt - railway is established. Till such time, the proposed road may be used for transportation of ore. The area being diverted for road will resume to Forest Department once the conveyer belt - railway system is made operational.

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 4.74 hectare of forest land in Donimalai Forest Block, Section -4 Notified area in Sandur South Range, Ballari District for use of existing approach road in favour of M/s. JSW Steel Ltd. Ballari with the conditions specified in **Annexure 'A'** and **condition No. 2 therein is emphasized.**

The hard copy of the proposal along with the relevant documents in 3 sets are submitted herewith for further needful.

Yours faithfully

 12/7/17
Principal Chief Conservator of Forests
(Head of Forest Force), Bengaluru.

- 1 Copy to the Chief Conservator of Forests, Ballari Circle for information and necessary action.
- 2 Copy to the Deputy Conservator of Forests, Ballari Division for information.
- 3 Copy to M/s JSW Steel Ltd. Vijayanagara works, P.O. Vidyanagar, Toranagallu - 583 275, Sandur Taluk, Ballari District for information.

ANNEXURE - 'A'

Enclosure to letter No. A5(1).MNG.CR.12/2016-17

dated: 15-07-2017

1. The legal status of forest land shall remain unchanged and it shall continue to be forest land.
2. The Hon'ble Supreme Court in judgment dated 21-03-2017 passed in IA No. 247 & other IAs in Writ Petition Civil No. 562/2009 have approved construction of conveyer 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. Such infrastructure is yet to be established and made operational. Accordingly, the user agency should take necessary anticipatory action to enable integration of transportation of ore produced from their lease area, and thereby preclude the need for transportation by road once the abovementioned transportation system of conveyer belt - railway is established. Till such time, the proposed road may be used for transportation of ore. The area being diverted for road will resume to Forest Department once the conveyer belt - railway system is made operational.
3. The lessee shall pay lease rent as fixed by the Government from time to time.
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 would resume to the Forest Department as per Section 82 of Karnataka Forest Act, 1963. The concerned Chief Conservator of Forests / Deputy Conservator of Forests are authorized to take necessary action in this regard.
5. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
6. The User Agency shall ensure that there should be no damage to the available fauna and flora in the project area.
7. No crushing/breaking of stones shall be allowed inside forest area. Readymade material shall be used for improvement of such road.
8. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
9. The road shall be used for transportation of ore from 6.00 AM to 6.00 PM in the interest of wildlife.
10. 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), Bengaluru.