

PART - IV

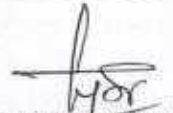
(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

<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 5.271 hectare of forest land in SM Block in Lakshmipura Village of Sandur Taluk, Ballari District for approach road, Downhill Pipe Conveyor (DPC) and service road for DPC for Devadari Iron ore Mine ML No.2290 in favour of M/s JSW Steel Ltd, Torangallu subject to the conditions specified in Annexure 'A'.</p>
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Signature:

Name:

Designation:



JAGMOHAN SHARMA IFS

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

AND

Nodal Officer (FCA)

Countersigned by :

Name:

Designation:



PUNATI SRIDHAR IFS

**Principal Chief Conservator of Forests
(Head of Forest Force)**

N.D.O. No: 1/2018-19

Date: 21-04-2018

(Official Seal)



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
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No. A5(1).MNG.CR.5/2017-18

Date: 21-04-2018

Encl: 3 Sets

To,

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

Madam,

Sub: Diversion of 5.271 hectare of forest land in SM Block in Lakshmipura Village of Sandur Taluk, Ballari District, for approach road, Downhill Pipe Conveyor (DPC) and service road for DPC for Devadari Iron ore Mine ML No.2290 in favour of M/s JSW Steel Ltd, Torangallu.

Online proposal No. FP/KA/Others/26566/2017

- Ref: 1 Online proposal dated 09-06-2017 (resubmitted after attending shortcomings on 22-09-2017).
- 2 This office online communication dated 27-10-2017 to the Deputy Conservator of Forests, Ballari Division, Ballari.
- 3 Letter No. M1/MNG/JSW/Conveyor/2017-18/2599 dated 09/19-02-2018 of the Deputy Conservator of Forests, Ballari Division (uploaded online on 22-02-2018).
- 4 Letter No. M1/MNG/VSL/TRF/M.L.2290/CR-12/2016-17 dated 14-03-2018 of the Chief Conservator of Forests, Ballari Circle (uploaded online on 23-03-2018).

1. The online proposal re-submitted on 22-09-2017 by the User Agency, viz., M/s JSW Steel Ltd, Vidyanagar, Ballari District for diversion of 5.271 hectare (revised from 4.165 hectare) of forest land for approach road, Downhill Pipe Conveyor and service road in SM Block, Lakshmipur village Sandur South Range, Sandur Taluk, Ballari District was forwarded to the Deputy Conservator of Forests, Ballari Division through online mode on 27-10-2017 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 17-02-2018 has submitted the proposal to the Chief Conservator of Forests, Ballari Circle vide his letter dated 19-02-2018 (ref-3) duly recommending the proposal for diversion of 5.271 hectare. Further, the Chief Conservator of Forests, Ballari Circle, vide his letter dated 14-03-2018 (ref-4) 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. The Flora and fauna observed in proposed area are:
Flora: Acacia catechu, Albizzia amara, Anogeissus latifolia, Cassia fistula, Carissa, Carandus and Dodonia viscose
Fauna: Hare, Peafowl, Sloth bear, Wild boar, Leopard, etc.
- iii. There are 46 trees in the proposed forest land as per Part-II.
- iv. The proposed area is having steep slope with vegetation, however due to project activities there are chances of vulnerability of the forest area to erosion. Hence, the user agency is required to take up soil & moisture Conservation works all along the Approach Road, Downhill Pipe Conveyor (DPC) and Service Road.
- v. There are no protected / archaeological / heritage sites or defence establishments or important monuments located inside the proposed project area.
- vi. The proposed forest land is not part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, elephant corridor, etc. The proposed project area is 16.26 km away from the Gudekote Bear Sanctuary and 17.34 km away from Daroji Bear Sanctuary.
- vii. There is no violation reported under Forest (Conservation) Act 1980.
- viii. The proposed area required for this project is 5.271 hectare, which is unavoidable and bare minimum.
- ix. Initially this proposal was submitted for an extent of 4.165 ha of forest land. After the joint survey the extent of forest land is increased to 5.271 ha. The details of forest land proposed for diversion is as below.

Sl No.	Purpose of diversion of forest land	Length in meter	Width in meter	Total area		Status of land
				in Sqm	in ha	
1	Existing approach road	2592	10	25920	2.592	Section 4 Notified land
2	Approach road in virgin area	1155	10	11550	1.155	
3	Service Road-1	298	10	2980	0.298	
4	Service Road-2	202	10	2020	0.202	
5	Service Road-3	170	10	1700	0.170	
6	Downhill Conveyor	712	12	8544	0.854	
Total					5.271	

- x. The User Agency has identified non-forest (patta) land in Sy.No. 67 of Baggalagudda village, Lingasuguru Taluk, Raichur District over an extent diversion of 5.271 hectare in lieu of diversion of 5.271 hectare of forest land for raising Compensatory Afforestation.
 - xi. Certificate in Form-I under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 from the Deputy Commissioner, Ballari District is not yet submitted to this office. The same will be submitted by M/s JSW Steel Ltd before Stage-II Clearance.
 - xii. M/s JSW Steel Ltd. Toranagallu has submitted an undertaking for payment of Net Present Value (NPV) applicable.
3. **CCF, Ballari Circle Report:** Agreeing with the recommendation of the Deputy Conservator of Forests, Ballari Division, the Chief Conservator of Forests, Ballari Circle has requested to consider the proposal for diversion of forest land under Forest (Conservation) Act, 1980 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 directed to install the pipe conveyor belt as it avoids dust and reduces the traffic on the road while transporting mined ore through vehicles.
 4. **Compensatory Afforestation:** The User Agency has identified non-forest land in Sy No. 67 of Beggalagudda village, Lingasuguru Taluk, Raichur District over an extent of 13.024 Acre (5.271 ha.) for raising Compensatory Afforestation. The non-forest land is yet to be mutated and transferred in favour of Forest Department. However, agreement has been made between JSW and Ambuja Mutalik (land owner). DCF, Raichur has reported fitness of this land parcel for raising Compensatory Afforestation.
 5. **RoFR Compliance:** With reference to the certificate in Form-I under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, it is reported that the Deputy Commissioner in his letter dated 07-09-2017 has already issued directions to Assistant Commissioner, Ballari and District Tribal Welfare Officer, Ballari for conducting Grama Sabha meeting and to submit the proceedings. Certificate pertaining to FRA is pending.
 6. **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 5.271 hectare.
 7. It is reported that the proposed pipe conveyor belt, which is to be erected will be on columnar structures. However, it is suggested to fix the limitation of the time to operate the conveyor belt, in order to facilitate free movement and use of habitat of wild animals in the landscape particularly from sound and other disturbance during the night time.
 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 5.271 hectare of forest land in SM Block in Lakshmipura Village of Sandur Taluk, Ballari District for approach road, Downhill Pipe Conveyor (DPC) and service road for DPC for Devadari Iron ore Mine ML No.2290 in favour of M/s JSW Steel Ltd, Torangallu 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)

1. Copy to the Chief Conservator of Forests, Ballari Circle for information.
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. 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 'Forest' in column no. 9 of RTC and Mutation at the earliest. Further, RoFR compliance may be obtained from the Deputy Commissioner Ballari and submitted to this office for necessary action.

O/c

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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 Govt. from time to time.
3. The lease tenure will be co-terminus with the lease under MMDR Act.
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 5.271 hectare compensatory afforestation land mutated as 'Forest' and transferred to the Forest Department and shall pay CA charges for 5.271 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 Forest lease shall be liable for forfeiture under Section 82 of Karnataka Forest Act 1963.
8. No residential buildings shall be permitted in the leased 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 the conditions imposed 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)