

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 0.604 hectare of forest land in DM Block & Sy.No.121 of Bannihatti Village of Sandur Taluk, Ballari District, for establishing Downhill Pipe Conveyor (DPC) for Bhadra Iron ore mine ML No.2365 and Tunga Iron ore mine ML No.2366 in favour of M/s JSW Steel Ltd, Vidyanagar, Ballari District subject to the conditions specified in Annexure 'A' .
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Signature:

Name:

Designation:


JAGMOHAN SHARMA IFS

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

**AND
Nodal Officer (FCA)**

(Official Seal)

Countersigned by :

Name:

Designation:


PUNATI SRIDHAR IFS

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

(Official Seal)



N.D.O. No: 2/2018-19

Date: 21-04-2018

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

Email : apccffc@gmail.com

No. A5(1).MNG,CR.9/2017-18

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 0.604 hectare of forest land in DM Block & Sy.No.121 of Bannihatti Village of Sandur Taluk, Ballari District, for establishing Downhill Pipe Conveyor (DPC) for Bhadra Iron ore mine ML No.2365 and Tunga Iron ore mine ML No.2366 in favour of M/s JSW Steel Ltd, Vidyanagar, Ballari District-reg.

Online proposal No. FP/KA/Others/27706/2017

- Ref: 1 Online proposal dated 03-08-2017.
2 This office online communication dated 16-09-2017 to the Deputy Conservator of Forests, Ballari Division, Ballari.
3 Letter No. M1/MNG/Conveyor/2017-18/2645 dated 20-02-2018 of the Deputy Conservator of Forests, Ballari Division (uploaded online on 23-02-2018).
4 Letter No. M1/MNG/VSL/TRF/M.L.2365&2366(0004)/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 submitted on 03-08-2017 by the User Agency, viz., M/s JSW Steel Ltd, Vidyanagar, Ballari District for diversion of 0.604 hectare of forest land in DM Block and Sy.No. 121 (Section 4) of Bannihatti village for Downhill Pipe Conveyor for Bhadra Iron Ore Mine ML No.2365 & Tunga Iron Ore Mine ML No.2366 (New ML No.0004) of M/s JSW Steel Ltd, Toranagallu was forwarded to the Deputy Conservator of Forests, Ballari Division & Deputy Commissioner, Ballari through online mode on 16-09-2017 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 has submitted the proposal to the Chief Conservator of Forests, Ballari Circle vide his letter dated 20-02-2018 (ref-3) duly recommending the proposal for diversion of

0.604 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 viscosa
Fauna: Hare, Peafowl, Sloth Bear, Wild boar, Leopard etc.
- iii. As the proposed forest area for Downhill Pipe Conveyor is running along steep slope of hillock it is vulnerable to soil erosion and loss of vegetation. Hence, the User Agency is advised to take up soil and moisture conservation & Afforestation works along the Downhill Pipe Conveyor.
- iv. There are no protected / archaeological / heritage sites or defence establishments or important monuments located inside the proposed project area.
- v. The proposed forest land is not part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, elephant corridor, etc. The proposed project area is 18.4 Km away from the Gudekote Bear Sanctuary and 11.2 Km away from Daroji Bear Sanctuary.
- vi. There is no violation reported under Forest (Conservation) Act 1980.
- vii. The proposed area required for this project is 4.527 hectare, out of this, 0.604 hectare falls in forest land in Sandur South Range and 3.9236 hectare is falling in revenue land (Non-forest land). The details of forest land proposed for diversion is as below.

Sl No.	Component proposed in forest area	Name of the Forest Block	Village	Forest land proposed in hectare	Legal Status of land
1	Segment-2	D.M.Block	Bannihatti	0.604	Karnataka Forest Act 1963 Section 4 notified area
Total					0.604

- viii. The User Agency has identified non-forest (patta land) land in Sy.No. 10A/a1 of Gadiganur Village, Hosapete Taluk, Ballari District over an extent diversion of 0.604 hectare of forest land for raising Compensatory Afforestation. CA land has not been transferred to Forest Department. Agreement has been made between JSW and N. Somappa (land owner)

- ix. M/s JSW Steel Limited has not submitted Form-I under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
 - x. 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 DCF, Ballari Division, Ballari, 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 (patta land) land in Sy.No. 10A/a1 Gadiganur Village, Hosapete Taluk, Ballari District over an extent of 0.604 hectare in lieu of the diversion of 0.604 hectare of forest land for raising Compensatory Afforestation. This land has not yet been transferred to Forest Department. However, agreement has been made between JSW and N. Somappa (land owner) and a copy of the agreement is provided. DCF, Ballari 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 20-11-2017 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 15.981 hectare.
 7. It may be considered that the proposed pipe conveyor belt, which is to be erected will be on columnar structures. **However, it is proposed to limit the time of operation of the conveyor belt in order to facilitate free movement and use of habitat by 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 the proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 0.604 hectare of forest land in DM Block & Sy.No.121 of Bannihatti Village of Sandur Taluk, Ballari District for establishing Downhill Pipe Conveyor (DPC) for

Bhadra Iron ore mine ML No.2365 and Tunga Iron ore mine ML No.2366 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)

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 shown as 'Forest' in column no. 9 of RTC and Mutation at the earliest. Further, RoFR certificate 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 0.604 hectare compensatory afforestation land mutated as 'Forest' and transferred to the Forest Department and shall pay CA charges for 0.604 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)