

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

Office of the
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ

ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003

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E-office File No. KFD/HOFF/A5-1(MNG)/51/2018-FC

Encl. 3 sets

E-67256

Date 15-06-2020

23

To,

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

Sir,

Sub: Diversion of 64.86 hectare of forest land (60.66 ha for mining + 4.2 ha for approach road) in Swamimalai (SM) Block Forest, near Dharmapura village, Sandur Taluk, Ballari District for Narasimha Iron Ore Mine ML No. 2148 [an auctioned C-category mine; erstwhile Lessee Sri H.G. Rangangouda] in favour of M/s MSPL Limited, Hosapete, Ballari District [LOI holder]

Proposal No.: FP/KA/MIN/39986/2019 [FORM-A]

- Ref:**
1. Online proposal [FORM-A (PART-I)] dated 12-10-2019 (resubmitted) of M/s MSPL Ltd, Hosapete r/w uploading of Acknowledgement on 27-11-2019 for having delivered the hard copies of proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner
 2. This office online communication dated 02-12-2019 to Deputy Conservator of Forests, Ballari Division, Ballari for further processing of proposal
 3. Online submission of PART-II on 17-04-2020 by Deputy Conservator of Forests, Ballari Division r/w online reply dated 23-01-2020 of User Agency to the EDS Query [Letter No. M1/MNG/MSPL/ M.L.2148 /2019-20/14 dated 21-03-2020]
 4. Online submission of PART-III on 28-05-2020 by Chief Conservator of Forests, Ballari Circle [Letter No. M1/MNG/TRF/ ML.No.2148/CR-2/2020-21/183 dated 28-05-2020]

1. M/s MSPL Ltd, Hosapete [USER AGENCY] vide Ref (1) has (re)submitted an online proposal [FORM-A (PART-I)] seeking approval under Section 2(ii) of the Forest (Conservation) Act, 1980 for Diversion of 64.86 hectare of forest land (60.66 ha for mining + 4.2 ha for approach road) in Swamimalai (SM) Block Forest, near Dharmapura village, Sandur Taluk, Ballari District for Narasimha Iron

Ore Mine ML No. 2148 [an auctioned C-category mine; erstwhile Lessee Sri H.G. Rangangouda]. The same was accepted by Nodal Officer (FCA) on 04-11-2019 for further processing. After receiving the Acknowledgement online on 27-11-2019 from the User Agency for having delivered the hard copies to the Deputy Conservator of Forests, Ballari Division & Deputy Commissioner, Ballari District, the web-portal link was forwarded to the Deputy Conservator of Forests, Ballari Division on 02-12-2019 for field verification and further processing under Section 2 of the Forest (Conservation) Act, 1980.

2. **Location and component-wise details of the project:** The location-wise details of the forest land requirement for the project are given below.

District, Taluk, Name of Forest	Village	Sy No.	Project component	Forest extent proposed for diversion (ha)	Status of forest land
Ballari District, Sandur Taluk, Swamimalai Block (SM)	*	*	Mining Lease	60.66	Notified under Section 4 Karnataka Forest Act, 1963**
			Approach road (4200 m x 10 m)	4.2	
Total (ha)				64.86	

*No Village and Survey numbers have been assigned to the forest block. It is adjoining to Dharmapura village.

**Government of Karnataka Notification No. FFD 29 FAF 84 dated 28-02-1985

3. **DCF, Ballari Division Report:** The Deputy Conservator of Forests, Ballari Division has inspected the site on 18-02-2020 and vide Ref (3) has submitted the Site Inspection Report along with other details in PART-II of the proposal to the Chief Conservator of Forests, Ballari Circle. Main features of the proposal as reported by the Deputy Conservator of Forests, Chitradurga Division r/w the report of Chief Conservator of Forests, Ballari Circle and also that of the ICT Centre of Forest Department are as follows.

- The forest land proposed for diversion has steep slope and thus prone to soil erosion.
- The forest land proposed for diversion is in general landscape of Eco-class III (Tropical Dry Deciduous Forests) with a Canopy Density up to 0.1 (Open forest).
- As per Item 4(ii) of PART-II, there are 423 trees in different girth classes in the forest land proposed for diversion. The main species include *Pterocarpus marsupium*, *Grewia tiliaefolia*, *Acacia catechu*, *Terminalia tomentosa*, *Cassia fistula* among others, etc.
- Major wild animals found in the area include Leopard, Sloth Bear, Jackal, Hare, etc.

- e. There are no other rare/endangered/unique species of flora and fauna reported in the area.
 - 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 not located within Eco-sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
 - h. The forest land proposed for diversion is not located within one kilometre distance of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, Wildlife Migration Corridor, etc.
 - i. There are no protected archaeological/ heritage site/defence establishment or any other important monument located in the area.
 - j. The requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project.
 - k. There is no violation reported under Forest (Conservation) Act, 1980.
4. **CCF, Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has inspected the site personally on 20-05-2020 and has agreed the opinion of Deputy Conservator of Forests, Ballari Division. The Chief Conservator of Forests, Ballari Circle vide Ref (4) has submitted his report in PART-III and has recommended the proposal.
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 has submitted an Undertaking dated 18-01-2020 to pay the charges towards Net Present Value (NPV) of the forest land proposed for diversion.**
6. **Compensatory Afforestation (CA):** As the previous FC lease in the name of previous lessee has already expired, the present FC proposal is submitted by an altogether new User Agency (*selected by Mines and Geology department through e-auction process*), the instant proposal is a fresh proposal [FORM-A] under FC Act for obtaining a new Forest Clearance. **Accordingly, the User Agency is required to provide an equivalent extent, i.e., 64.86 ha (or 65 ha) of suitable non-forest land for CA purpose in accordance with the FC guidelines. Further, as per Government of Karnataka Order No. FEE 88 FLL 2016 dated 31-08-2016 pertaining to FC proposals of private User Agencies, such CA land needs to be a private land either as forest enclosure or adjoining an existing forest area in man-animal conflict zone.** In addition, the User Agency

is also required to pay the CA charges as per prevailing rates. Even though, the User Agency has also given an Undertaking dated 18-01-2020 to pay the CA charges, regarding the CA land, the User Agency has proposed only the following extent of 4.16 hectare of non-forest land towards CA for the Approach Road component (4.2 ha) of the present proposal, on the ground that CA land of the previous FC cycle may be deducted from the CA land requirement for the present proposal.

District	Taluk	Hobli	Village	Sy No.	Extent	
					(acre)	(hectare)
Belagavi	Khanapur	Jamboti	Amagon	6/5	6.07	2.46
				6/6	4.21	1.70
Total					10.28	4.16

Further, the above CA land parcel is part of Amagon village Sy No. 6, in which the same User Agency has proposed CA land parcels for several other FC proposals. The User Agency has uploaded the combined Geo-reference Map showing the CA land parcels of all FC proposals in the form of the document named 'CA LAND COMBINED GEO REFERENCE MAP' in Additional Information Details of PART-I of the proposal. Details are given below.

Extent of CA land parcels proposed by M/s MSPL Limited in different FC proposals (as on 15-06-2020):

District, Taluk, Hobli, Village	Sy No.	Total extent (ha) (as per KML file)	Hissa No.	Extent (ha) proposed by for CA in different FC proposal so far	FC Proposal No. and forest diversion extent (ha)	Present status of FC proposal
Belagavi District, Khanapura Taluk, Jamboti Hobli, Amagon village	6	193	6/3 & 6/4	28.31	FP/KA/MIN/31 348/2018 (28.3 ha)	Under process for Stage-I approval. Pending with DCF because of EDS query dated 07-02-2020 of GOI.
			6/4	4.85	FP/KA/MIN/37 101/2018 (4.85 ha)	Proposal seeking Stage-I approval submitted to GOK on 26-12-2019 and to GOI on 21-04-2020. Pending with GOI.
			6/4 & 6/5	2.4	FP/KA/MIN/42 466/2019 (2.4 ha)	Proposal seeking Stage-I approval is yet to be accepted by Nodal Officer. Last returned on 11-06-2020. Pending with UA.
			6/5	11.71	FP/KA/WIND/3 8582/2019 (11.71 ha)	Proposal [PART-I, II & III] submitted by CCF to Nodal Officer on 02-06-2020. Pending with Nodal Officer for final scrutiny and further submission to GOK seeking Stage-I approval.
			6/5	2.63	FP/KA/WIND/3 8530/2019 (2.63 ha)	Proposal [PART-I, II & III] submitted by CCF to Nodal Officer on 02-06-2020. Pending with Nodal Officer for final scrutiny and further submission to GOK

						seeking Stage-I approval.
			6/5 & 6/6	4.16	FP/KA/MIN/39 986/2019 (4.16 ha); Present proposal	Proposal [PART-I, II & III] received from CCF Ballari Circle on 28-05-2020. Pending with Nodal Officer for final scrutiny and further submission to GOK seeking Stage-I approval.
Total		193		54.06		

The User Agency has uploaded / submitted the above CA land information in the form of Topo Map, Geo-referenced Map, KML file and GPS readings in PART-I of the proposal. The jurisdictional Deputy Conservator of Forests, Belagavi Division (*where the CA land is identified by User Agency*) has submitted the CA land Suitability Certificate dated 26-11-2019 and the CA scheme. The documents are enclosed herewith.

However, the present FC cycle being a new cycle, the User Agency will be required to provide the balance extent of 60.70 ha (=64.86 ha - 4.16 ha) non-forest land eligible under FC Guidelines and the abovementioned Government of Karnataka Order dated 31-08-2016 for CA purpose. Even then, a final decision on the exact extent of total CA land requirement for the present proposal may be taken by the Government of India.

7. **Status of RoFR:** 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 is required to obtain RoFR Compliance Certificate in **FORM-II (for Non-linear/Hybrid Projects)** from 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. The User Agency vide letter dated 17-07-2019 has already requested the Deputy Commissioner, Ballari for issuing the FRA Certificate. **The User Agency has submitted an Undertaking dated 18-01-2020 to obtain the FRA Certificate from the jurisdictional Deputy Commissioner.**
8. **Status of Mining Lease:** The previous mining lease for ML No. 2148 renewed under the MMRD Act, 1957 by Government of Karnataka (Commerce and Industries Department) had validity for a period of 20 years from 21-07-1992 to 20-07-2012. As per the directions and orders by the Hon'ble Supreme Court in WP No. 562/2009, the Central Empowered Committee (CEC) carried out joint survey and digitization of the lease area and arrived at the actual mining lease extent as 60.66 hectare only. **Based on the survey, the mining lease was categorised by the CEC as 'C' Category mine and was subsequently cancelled as per the Hon'ble Supreme Court order dated 18-04-2013. The mining lease extent of 60.66 hectare has since been e-auctioned by the Department of Mines & Geology in favour of instant User Agency (M/s MSPL Limited, Hosapet). Accordingly, the Director, Department of Mines & Geology, Bengaluru has**

issued a Letter of Intent vide No. DMG-17012/8/2018/2019-20 dated 23-12-2019 for an extent of 60.66 hectare in favour of the User Agency. Thus, the User Agency has submitted the instant proposal under the FC Act, 1980.

9. **Status of FC:** For the first time, the clearance under Forest (Conservation) Act, 1980 for the mining lease/ approach road / ancillary activities concerned was accorded in following three (3) stages.

- a. Government of India (MoEF, New Delhi) vide letter F. No. 8-5/2003-FC dated 07/08-07-2003 [*Stage-II approval*] and the Government of Karnataka vide Order No. FEE 26 FFM 2002 dated 16-08-2003 [*formal sanction of forest diversion*] **for an extent of 41.16 ha of already broken up forest land** for the Mining Lease (ML) No. 2148 in favour of M/s H. G. Rangangouda, Hosapete for a period of 20 years co-terminus with mining lease under MMDR Act.
- b. Government of India (MoEF, Regional Office, Bengaluru) vide letter No. 4-KRC 246/2006-BAN/ dated 07-12-2006 [*Stage-II approval*] and the Government of Karnataka vide Order No. FEE 82 FFM 2006 dated 19-12-2006 **for an extent of 23.75 ha (19.55 ha for mining and dumping + 4.20 ha for approach road)** in favour of M/s H. G. Rangangouda, Hosapete for a period of 20 years co-terminus with mining lease under MMDR Act.
- c. Government of India (MoEF, New Delhi) vide letter F. No. 8-5/2003-FC dated 05-02-2007 [*Stage-II approval*] and the Government of Karnataka vide Order No. FEE 191 FFM 2006 dated 22-03-2007 for an extent of **additional 3.30 ha of forest land for dumping of waste material** in favour of M/s H. G. Rangangouda, Hosapete in respect of already approved proposal for a period co-terminus with the approval granted on 08-07-2003 for diversion of 41.16 ha.


Thus, the Forest Clearance being co-terminus with the mining lease under MMDR Act has expired on 20-07-2012. **As the FC for the previous mining lease is no longer in currency, the User Agency has applied in FORM-A under the FC Act, 1980 for the mining lease extent (60.66 ha) as well as the approach road (4.2 ha) thereby totalling 64.86 ha.**

In light of the facts stated above and agreeing with the recommendation made by Field officers, it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 64.86 hectare of forest land (*60.66 ha for mining + 4.2 ha for approach road*) in Swamimalai (SM) Block Forest, near Dharmapura village, Sandur Taluk, Ballari District for Narasimha Iron Ore Mine ML No. 2148 [*an auctioned C-category mine; erstwhile Lessee Sri H.G. Rangangouda*] in favour of M/s MSPL Limited, Hosapete, Ballari District [LOI holder] for a period co-terminus with the new mining lease validity period (*or the project life, whichever is earlier*) subject to

submission of RoFR Compliance Certificate in FORM-II (for Non-linear/Hybrid Projects) from 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 and further 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


(SANJAI MOHAN IFS) 24/6
Principal Chief Conservator of Forests
(Head of Forest Force) o/c

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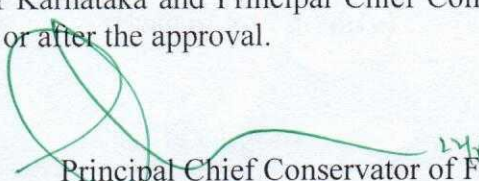
1. Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. Deputy Conservator of Forests, Ballari Division, Ballari for information.
3. MSPL Limited, Baldota Enclave, Abheraj Baldota Road, Hosapete, Ballari – 583 203 for information and with a request to obtain the RoFR Compliance Certificate (in original) in prescribed **FORM-II (for Non-linear/Hybrid Projects)** as mentioned above and submit the authenticated / attested copies at the earliest.

RS
ಶಾಂತಿಪಾಲಕಿ
23-6-2020

4-45 pm

ANNEXURE - 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), Compensatory, Plantation cost of extraction of trees, Land lease rent and any other levies as per the conditions of approval.
3. The User Agency shall demarcate the lease area in the manner specified at the time of approval at its own cost.
4. The road shall be used for transportation of ore between sunrise and sunset only.
5. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
6. 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 two years or when it is no longer needed for the stipulated purpose, the area would stand resumed to the Forest Department.
7. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
8. The application for renewal of the lease in the prescribed form and manner shall be submitted at least six months prior to the expiry of forest lease. In case no renewal is sought, the Lessee shall hand over the lease.
9. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
10. No crushing / breaking of stones or labour camp shall be allowed on forest land and all waste / debris generated shall be scientifically disposed off outside the forest area.
11. Any damage to forest area because of implementation of the proposal shall be compensated by the Lessee. The extent of damage shall be assessed by the jurisdictional Deputy Conservator of Forests/ Conservator of Forests/ Chief Conservator of Forests.
12. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
13. In case, any violation of the provisions of the Karnataka Forest Act, 1963 & Rules, 1969 or other relevant Acts/Rules is reported during the lease period, the lease will be liable for forfeiture under Section 82 of Karnataka Forest Act, 1963. The Chief Conservator of Forests / Deputy Conservator of Forests concerned are authorized to take necessary action in this regard.
14. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
15. The User Agency shall also abide by other conditions those may be imposed by the Government of India, Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force) before or after the approval.


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><i>(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)</i></p>	<p>Recommended for moving the proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 64.86 hectare of forest land (60.66 ha for mining + 4.2 ha for approach road) in Swamimalai (SM) Block Forest, near Dharmapura village, Sandur Taluk, Ballari District for Narasimha Iron Ore Mine ML No. 2148 [an auctioned C-category mine; erstwhile Lessee Sri H.G. Rangangouda] in favour of M/s MSPL Limited, Hosapete, Ballari District [LOI holder] for a period co-terminus with the new mining lease validity period (or the project life, whichever is earlier) subject to submission of RoFR Compliance Certificate in FORM-II (for Non-linear/Hybrid Projects) from 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 and further subject to the conditions specified in Annexure 'A'.</p> <p>Proposal No. FP/KA/MIN/39986/2019 [FORM-A]</p>
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Signature:

Name:

Designation:



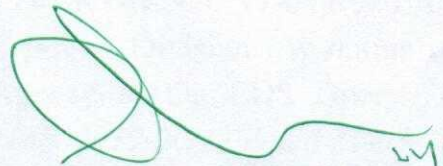
RAJIV RANJAN IFS

Principal Chief Conservator of Forests
(Forest Conservation) AND
Nodal Officer (FCA)

Countersigned by :

Name:

Designation:



SANJAI MOHAN IFS

Principal Chief Conservator of Forests
(Head of Forest Force)

N.D.O. No: 52/2020-21

Date: 23-06-2020

(Official Seal)

