


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 19.206 hectare of forest land in Swamimalai (SM) Forest Block in Sandur Taluk in Ballari district for establishing the Downhill Conveyor System (DHCS) from Haddinapade Iron Ore Mine (ML No. 2516) to proposed railways siding at Dharmapura in favour of Sri B Rudra Gouda, Sandur, Ballari district, as Legal representative of late Sri B. Kumaragouda, subject to pending CA land issue, submission of RoFR Compliance Certificate and the conditions specified in Annexure 'A'.</p>
--	---


Signature:

Name:
Designation:


JAGMOHAN SHARMA IFS
Addl. 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)

(Official Seal)

N.D.O. No: 24/2018-19

Date: 24-11-2018



ಕರ್ನಾಟಕ ಸರ್ಕಾರ

C.No. E 61851

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನಮುಖ್ಯ 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. KFD/HOFF/A5-1(MNG)/2/2018-FC

Date: 24 -11-2018

Encl: 3 sets proposal

To,

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

Sir,

Sub: Diversion of 19.206 hectare of forest land in Swamimalai (SM) Forest Block in Sandur Taluk in Ballari district for establishing Downhill Conveyor System (DHCS) from Haddinapade Iron Ore Mine (ML No. 2516) to proposed railways siding at Dharmapura in favour of Sri B Rudra Gouda, Sandur, Ballari district, as Legal representative of late Sri B. Kumaragouda-reg.

(Proposal No. FP/KA/MIN/36226/2018)

- Ref: 1. Online proposal dated 01-10-2018 of Sri B Rudra Gouda, Ballari.
2. This office online communication dated 09-10-2018 to Deputy Conservator of Forests, Ballari Division, Ballari.
3. Submission of PART-II (uploaded online on 20-11-2018) of Deputy Conservator of Forests, Ballari Division [Letter No. M1/MNG/BKG/Conveyor Belt/2018-19 dated 15-11-2018].
4. Submission of PART-III (uploaded online on 22-11-2018) of the Chief Conservator of Forests, Ballari Circle [Letter No. M1/MNG/CR-03/2003-04(BKG) dated 22-11-2018].

1. The online proposal submitted on 01-10-2018 by the User Agency, viz., Sri B Rudra Gouda, 2198 BKG House, KHB Colony, Sandur, Ballari district, as Legal representative of late Sri B. Kumaragouda, for diversion of 19.206 hectare of forest land in Swamimalai (SM) Forest Block in Sandur Taluk in Ballari district for establishing Downhill Conveyor System (DHCS) from Haddinapade Iron Ore Mine (ML No. 2516) to proposed railways siding at Dharmapura was accepted by the Nodal Officer on 05-10-2018 and, after receiving the acknowledgement of User Agency having delivered the hard

copy to Deputy Conservator of Forests, Ballari Division and Deputy Commissioner, Ballari District on 09-10-2018, the online link was forwarded to the Deputy Conservator of Forests, Ballari Division on 09-10-2018 for field verification and further processing under Section 2 of the Forest (Conservation) Act, 1980.

- 2. Location and component-wise details:** The details of forest land proposed for diversion are as given below.

District & Taluk	Village / Name of Forest Block	Component	Extent of Forest Land (ha)	Legal status of land
Ballari District, Sandur Taluk	Swamimalai (SM) Forest Block	Service Road1	2.6362	Section 4 notified forest area [Government of Karnataka Notification No. FFD 29 FAF 84 dated 28-02-1985]
		Service Road 2	1.2525	
		Feeding Point	0.8624	
		Discharge Point	5.2686	
		Overlapping area	1.4572	
		Downhill conveyor	4.3049	
		Railway siding	3.4242	
Total			19.206	

[Note: Total requirement of the land for the project is 48.826 hectare, out of which 19.206 hectare is forest land and the remaining 29.62 hectare is non-forest land.]

- 3. DCF, Ballari Division Report:** The Deputy Conservator of Forests, Ballari Division, vide ref-3 has submitted the PART-II of the proposal to the Chief Conservator of Forests, Ballari Circle, duly recommending the proposal. The details of the proposal as reported by the Deputy Conservator of Forests, Ballari are as follows.

- The forest area proposed for diversion is in Eco-Class-III (Open Forest) with a density of 10%. *[Note: Density is wrongly entered as 0.01 in Item 4(i) of PART-II and thus may be ignored].*
- The proposed area is subjected to soil erosion because of steep slope and poor vegetation. Hence, the User Agency is required to take up Soil & Moisture Conservation works all along and around the Downhill Conveyor System.
- As per Item 4(ii) in PART-II, there are 1872 trees in 31-60 cm and above girth classes in the forest land concerned. Major species include *Terminalia tomentosa*, *Boswellia serrata*, *Anogeissus latifolia*, *Bauhinia Veriegata*, *Chloroxylon swietenia*, *Dalbergia paniculata*, *Tectona grandis*, *Acacia catechu*, *Stereospermum chelonoides*, etc.

- D. Major wild animals found in and around the proposed area include sloth bear, leopard, hare etc.
- E. There are no protected / archaeological / heritage sites or defence establishments or important monuments in the area.
- F. The proposed forest area does not form part of any Wildlife Sanctuary, National Park, Biosphere Reserve, Tiger Reserve or Elephant Corridor etc. It is 18.53 km away from the Daroji Bear Sanctuary and 13.51 km away from the Gudekote Bear sanctuary.
- G. There is no violation reported under Forest (Conservation) Act 1980.

4. **CCF, Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has not inspected the site personally, but agreeing with the recommendation of the Deputy Conservator of Forests, Ballari Division, he has vide Ref(4) recommended the proposal along with his opinion in PART-III online.
5. **Compensatory Afforestation (CA):** In lieu of diversion of 19.206 hectare forest land involved in the proposal, the User Agency is required to provide equivalent non-forest land for CA purpose. Further, as per Government of Karnataka Order No. FEE 88 FLL 2016 Dated 31-08-2016, the User Agency being a private entity, is required to provide equivalent private non-forest land located either in a forest enclosure or adjoining a forest area in man-animal conflict zone. Even though the **User Agency has uploaded an Undertaking at Sl No. 3 of Additional Information Details in PART-I to provide for CA land before Stage-II approval**, the DCF, Ballari in Item 13 (iii) & (iv) of PART-II has uploaded the CA land maps provided by the User Agency in respect of Patta land in Sy No. 58/1, 58/2, 58/3 of Jagigudalur, Kuthigi Taluk, Koppal District over an extent of 27.061 hectare for CA purpose. However the KML file of the same has not been uploaded and the CA land details need further scrutiny, the proposal is being submitted for Stage-I approval subject to finalization of eligible CA land proposed by User Agency. In addition, the User Agency is also required to pay the CA charges as per norms. **The User Agency has submitted an Undertaking in this regard.**
6. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land being diverted under this proposal as per the conditions stipulated by Government of India, Ministry of Environment and Forests & Climate Change, New Delhi vide letter No. 11-9/98-FC dated 13-02-2014 and Orders dated 28-3-2008 and 9-5-2008 of Hon'ble Supreme Court of India in I.A.No. 826 in I.A. 566 in WP(C) No. 202/1995. **The User Agency has submitted an Undertaking for payment of Net Present Value (NPV).**
7. **RoFR Compliance:** The User Agency is required to obtain RoFR Compliance Certificate in FORM-II (Hybrid Projects) under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 from the jurisdictional Deputy Commissioner. The User Agency has not


enclosed the required certificate with the proposal. However, it has submitted a request vide letter dated 22-10-2018 to the Deputy Commissioner, Ballari District. Further, **the User Agency is being informed to obtain and submit the required RoFR Compliance Certificate.**

8. In order to facilitate the free movement of wild animals during the night hours, and to reduce the adverse impact of mining related activities in the area, it is suggested to limit the operational time of the conveyor belt system only to day hours i.e., sunrise to sunset.
9. In order to comply with the order dated 07-12-2017 of Hon'ble Supreme Court in IA No. 247 in WP(Civil) No. 562/2009 regarding mandatory establishment of Conveyor Belt System for mining leases specified therein, which includes the present one, the proposal is required to be processed expeditiously for Stage-I clearance pending the issue of CA land.


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 19.206 hectare of forest land in Swamimalai (SM) Forest Block in Sandur Taluk in Ballari district for establishing Downhill Conveyor System (DHCS) from Haddinapade Iron Ore Mine (ML No. 2516) to proposed railways siding at Dharmapura in favour of Sri B Rudra Gouda, Sandur, Ballari district, as Legal representative of late Sri B. Kumaragouda subject to pending CA land issue, submission of RoFR Compliance Certificate and 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



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 the Sri B Rudra Gouda, # 2198, BKG House, KHB Colony, Sandur, Ballari District - 583 119, **as Legal representative of late Sri B. Kumaragouda**, for information and necessary action to provide CA land eligible under Government of Karnataka Order No.. FEE 88 FLL 2016 Dated 31-08-2016 and original RoFR compliance certificate as mentioned above.


ರಮೇಶ್
24-11-18

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 Government from time to time.
3. The lease tenure is for a period of Co-terminus with the MMDR lease.
4. The User Agency has to pay the Net Present Value (NPV), Compensatory afforestation Charges, Lease Rent and other government dues as per norms and also provide equivalent CA land in accordance with Government of Karnataka Order No.. FEE 88 FLL 2016 Dated 31-08-2016.
5. 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.
6. In case of any violations, the proposal Forest Land shall be liable for forfeiture under Section 82 of Karnataka Forest Act 1963.
7. No residential buildings shall be permitted in the proposed forest area.
8. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
9. In order to safeguard the wildlife interests and free movement of wild animals during night, transportation of ore through Conveyer Belt will be limited between sunrise and sunset.
10. The User Agency shall ensure that there should be no damage to the available fauna and other flora.
11. No labour camp shall be established on the forest land.
12. 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.
13. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
14. 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)