

PART - IV

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

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| <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 the proposal for according 'in-principle' (Stage-I) approval for diversion of 9.12 ha. of forest land for approach road in ML No. 2547 in RM Block, Sandur Range in favour of M/s. Zeenath Transport Co. Ballari under Section 2(ii) of the Forest (Conservation) Act, 1980 for a period co-terminus with lease granted under MMRD (Amendment) Act 2015 i.e. up to 26-04-2057 subject to the conditions as specified in Annexure 'A'.</p> |
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Signature:

Name:

Designation:

P. ANUR REDDY, IFS.,

Nodal Officer &

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

Counter signed by :

Name:

Designation:

R.S. SURESH, IFS.,

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

(Official Seal):

N.D.O. No: 03 /2017-18.

Date: 25-04-2017.

**Government of Karnataka
Forest Department**

C.No. 11694

No.A5(1).MNG.CR-10/2014-15

Office of the
Principal Chief Conservator of Forests
(Head of Forest Force),
Aranya Bhavan, Malleshwaram,
Bengaluru – 560 003, dated: 25-04-2017.

To

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

Sir,

Sub: Diversion of 9.12 ha. (9.40 ha.) of forest land for approach road in ML No. 2547 in RM Block, Sandur Range in favour of M/s. Zeenath Transport Co. Ballari. Online proposal No. FP/KA/Road/7440/2014 dated 04-11-2014.

Ref: 1. Letter No. M1/MNG/BLY/Zeenath ML No. 2547/2007-08 dated 03-03-2017 of the Deputy Conservator of Forests, Ballari Division.
2. Letter No. M1/MNG/CR-19/1993-94(ZTC) dated 13-03-2017 of the Chief Conservator of Forests, Ballari Circle, Ballari.

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The online proposal (No. FP/KA/Road/7440/2014 dated 04-11-2014) for diversion of 9.40 ha. forest land in RM Block Sandur Range in Ballari Division for use of approach road submitted by the lessee i.e. M/s. Zeenath Transport Co. Ballari has been forwarded to the Deputy Conservator of Forests, Ballari Division through online on 23-09-2015. In response to the said letter, the Deputy Conservator of Forests, Ballari division after processing the said proposal, has submitted the proposal to the Chief Conservator of Forests, Ballari Circle vide his letter dated 03-03-2017 duly recommending the proposal for diversion of 9.12 ha. instead 9.40 ha.. The details of the said proposal as reported by the Deputy Conservator of Forests, Ballari Division vide letter cited at (1) above is as follows:

1. The mining lease of M/s Zeenath Transport Company was sanctioned under MMDR Act-1957 over an extent of 50.00 ha for iron ore mining with M.L.No.2547 in R.M. Block for a period of 30 years vide Notification No.CI/27/MMM-2004 dtd. 30-03-2007. The user agency has obtained Forest clearance vide MoEF, Govt. of India letter No. F No. 8-2/95-FC dtd. 05-01-2004 for a lease period co-terminus with MMRD lease over an extent of 50.00 ha.

2. Now, the Government of Karnataka in Department of Commerce and Industries has approved for deemed extension of lease period under Section-8A of MMDR (Amendment) Act, 2015 upto 26-04-2057 vide letter No.CI.111 MMM.2015 dated : 25-04-2015. However, deemed extension of forest clearance for mining lease area is yet to be approved.
3. The UA had not obtained Forest clearance for use of the approach road outside the lease area. The UA has submitted proposal for Forest clearance under Forest (Conservation) Act-1980 through online over an extent of 9.40 ha of approach road vide online FC Proposal No. FC/KA/ROAD/7440/2014 Dtd:04-11-2014. As per the directions of the State Government and Principal Chief Conservator of Forests (HoFF), NPV & CA amount has been collected from the user agency over an extent of 9.40 ha. for the existing old approach road.
4. The NPV for 9.40 ha. @ Rs.8,03,000/- per ha. has been collected amounting to Rs. 75,48,200/- and CA charges for 9.40 ha. is collected @Rs,2,55,000/- per ha. amounting to Rs.23,97,000/- the said amount have been remitted by the user agency to CAMPA account vide NEFT transfer on 02-06-2015 and 01-09-2016.
5. On conducting the joint survey of the approach road the extent of area to be diverted is now revised from 9.40 to 9.12 ha. The reason for reduction is that the existing road passes through the Mining lease of Ramarao Poal, ML. 2621 now categorised as 'C' category mines, after e-auction JSW Steel Ltd. has been issued a Letter of Intent as preffered bidder. In order to avoid the mining lease area of Ramarao Poal, the road proposal is modified by reducing the extent of approach road falling inside the C-category mining lease.
6. As per the joint survey report, the details of required approach road in forest area for approval under Forest (Conservation) Act, 1980 as follows. :

| Stretch | Length (Mtr) | Average Width (Mtr) | Area (Sqm) | Area (Ha) |
|---------|--------------|---------------------|------------|-----------|
| A to B | 1824 | 12 | 21888 | 2.19 |
| B to C | 299 | 12 | 3588 | 0.36 |
| C to D | 216 | 12 | 2592 | 0.26 |
| D to E | 811 | 12 | 9732 | 0.97 |
| E to F | 627 | 12 | 7524 | 0.75 |
| F to G | 711 | 12 | 8532 | 0.85 |
| G to H | 1071 | 12 | 12852 | 1.29 |
| I to J | 44 | 12 | 528 | 0.05 |
| J to K | 513 | 06 | 3078 | 0.31 |
| K to L | 1741 | 12 | 20892 | 2.09 |

The map marking the total extent is enclosed with this letter. It is clear from Map that from stretch No. H to I for an length of 893 mtr or over an extent of 1.07 ha approach road passes through the lease area of Sri. Ram Rao M Poal ML No.2621(Now C- category), which is to be transfered to M/s. JSW Steel Ltd. This area inside the mining lease is deleted from total extent of the approach road. Also the road width is taken has 6 mtrs only along the SMIORE road which is 6 mtr in width is marked as J-K in Map.

7. The diversion area is existing old road. However, in few stretch the alignment is changed and it is taken out side mining lease boundary of ML No. 2296 (VESCO mines), in order to avoid the safety zone of ML No. 2296 being utilized for the approach road. the cutting of trees is required is stretch and the same is marked on the map as point :

- i. B to C – 0.36 ha.
- ii. D to E – 0.94 ha.
- iii. F to G - 0.85 ha.
- iv. I to J - 0.05 ha.
- v. J to K - 0.31 ha (width is taken 6 mtrs, adjoining to SMIORE road)

The number of trees to be cut is 260 in above mentioned stretch. The enumeration list of trees to be cut is enclosed.

8. He has inspected the proposed area on 02-06-2016, 3-01-2017 and 03-02-2017. The forest type adjoining to the road is Dry decidious forest with Eco class-III Dense type Forest.
9. Further, he has requested to move the proposal for Forest clearance under Forest (Conservation) Act-1980 over an extent of 9.12 ha. As the approach road (existing road) is essential to transport the ore outside the mining leases, the forest area to an extent of 9.12 ha. is recommended for diversion.

The Chief Conservator of Forests, Ballari Circle vide letter cited at (2) above has recommended the proposal for diversion of 9.12 ha. for approach road for ML No.2547 of M/s. Zeenath Transport Co. Ballari with a recommendation to impose suitable penalty for using the existing approach road without prior approval. He has inspected the site on 22-06-2016.


With regard to the said proposal, the following facts are brought to your kind notice:

1. **Identification of Non-forest CA land:** M/s. Zeenath Transport Co. Ballari has identified Non-forest CA land in Sy.No. 152P1 of Ammerahalli village Kolar Taluk, Kasaba Hobli, Kolar District over an extent of 41.15 Acres (16.46 ha.) and the same has been mutated in favour of Karnataka Forest Department in which 14.80 ha. has been earmarked in favour of M/s. Zeenath Transport Co. as recorded in column No.11 of RTC. The Chief Conservator of Forests, Bengaluru Circle vide his letter dated 14-09-2015 has reported that 40% (16.00 Acres or 6.40 ha.) in the said Sy. No. and 26.00 Acres (10.50 ha.) in Sy.No. 11 of Nagalapura village, Vakkalerei Hobli, Kolar Taluk and District is suitable for compensatory afforestation in respect of M/s. Zeenath Transport Co.. Both the above extent of land i.e. 41.15 Acres and 92.31 Acres has been mutated in favour of Karnataka Forest Department. The suitable land required for this project is 9.12 ha. and 5.40 ha. for another proposal of the same lessee which amounts to 14.52 ha. As per the report of Chief Conservator of Forests, Bengaluru Circle, the suitable land for CA is 16.00 Acres + 26.00 Acres = 42.00 Acres or 17.00 ha. which is more than the requirement (14.52 ha.) of this lessee. Therefore, the same may be considered for raising compensatory afforestation.
2. **Compliance under Forest Rights Act, 2006:** The Deputy Commissioner Ballari District vide his letter dated 21-03-2016 has submitted compliance under FRA in Form-I along with relevant information.
3. **Permission accorded earlier by GOK to use approach roads:** as per the MoEF guidelines dated 15-11-2001, the Government of Karnataka has accorded permission to use approach roads in respect of six existing mining leases vide letter No. FEE 016 FFM 2015 dated 2-05-2015 subject to the compliance of the conditions like payment of NPV, CA and etc. The Mining lease No.2547 of M/s. Zeenath Transport Co. is one among the said mining leases. Accordingly, the lessee has paid CA & NPV charges as per the demand notice issued by the Deputy Conservator of Forests, Ballari Division on 11-07-2016.

Under the circumstances stated above, it is requested to kindly move this online proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 9.12 ha. of forest land in RM Block, Sandur Range for approach road for ML No.2547 of M/s. Zeenath Transport Co. Ballari for a period co-terminus with lease granted under MMRD (Amendment) Act 2015 i.e. upto 26-04-2057 with a recommendation to impose suitable penalty for using the existing approach road without prior approval under the Forest (Conservation) Act, 1980 and other conditions as specified

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

Yours faithfully,


Principal Chief Conservator of Forests
(Head of Forest Force), Bengaluru.

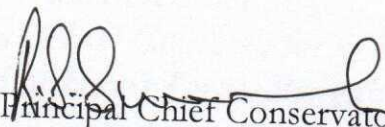
- 1 & Copy to the Chief Conservator of Forests, Ballari & Bengaluru Circles for
2. information and necessary action.
3. Copy communicated to the Deputy Conservator of Forests, Ballari Division for information.
4. Copy to the Deputy Conservator of Forests, Kolar Division, Kolar for information. He is directed to submit CA scheme along with documents for 5.40 ha. and 9.40 ha. separately in respect of Sy. No. 11 of Nagalapura village, Vakkaleri Hobli, Kolar Taluk (for 11.33 ha.) and Sy.No.152/P1 of Ammeranahalli Village, Kasaba Hobli, Kolar Taluk (for 3.47 ha.) in respect of the above proposal to this office at an early date as already directed vide this office letter No. A5(1).MNG.CR- 87/2006-07 dated 04-03-2017.
5. Copy to M/s. Zeenath Transport Company, Zeenath House, Cowl Bazaar, Ballari – 583 102 for information and necessary action as above. Further, it is requested to provide the translated copies of English version in 3 sets in respect of FRA provided by the Deputy Commissioner, Ballari.

ANNEXURE - 'A'

Enclosure to letter No. A5(1).MNG.CR.10/2014-15

dated: 23-04-2017

1. The legal status of Forest land shall remain unchanged and it shall continue to be as forest land.
2. The lessee shall pay lease rent as fixed by the Govt. from time to time.
3. The lease period shall be co-terminus with lease granted under MMRD (Amendment) Act 2015 i.e. up to 26-04-2057.
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 should be resumed to the Forest Department under 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.