

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

C.No.22833

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 ಅಡ್ಡರಸ್ತೆ, ಮಲ್ಲೇಶ್ವರಂ
ಬೆಂಗಳೂರು-560 003.

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No. A5(1).MNG.CR.6/2018-19

Date: 25-10-2018

Encl: 3 sets proposal

To,

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

Sir,

Sub: Diversion of 7.978 hectare of forest land **in Thanigehalli village Sy No. 35, Hirekandavadi village Sy No. 107 & Dinadadahalli village Sy No 18, in Chitradurga Taluk & District** for establishing Conveyor Belt from ML No. 2677 to railway siding in favour of M/s Vedanta Limited Iron Ore (Karnataka), Chitradurga.

Proposal No. FP/KA/MIN/34838/2018.

- Ref: 1. Online proposal dated 25-08-2018 (resubmitted) of Vedanta Limited Iron Ore (Karnataka), Chitradurga.
2. This office online communication dated 30-08-2018 to Deputy Conservator of Forests, Ballari Division, Ballari.
3. Letter No. A6/FC/VEDANTA/CB/CR-09/2018-19 dated 29-09-2018 of the Deputy Conservator of Forests, Chitradurga Division addressed to Chief Conservator of Forests, Ballari Circle *(PART-II uploaded on 01-10-2018 after receiving additional information from User Agency on 15-09-2018 through EDS query)*.
4. Letter No. M1/MNG/Conveyor-Belt/CR-4/2018-19 (Vedanta) dated 10-10-2018 of the Chief Conservator of Forests, Ballari Circle *(PART-III uploaded online on 12-10-2018 after receiving additional information from DCF Chitradurga on 11-10-2018 through EDS query)*

1. The online proposal re-submitted on 25-08-2018 by the User Agency, viz., M/s Vedanta Limited Iron Ore (Karnataka), Chitradurga vide Ref-1 for diversion of 7.978 hectare (revised from 6.523 ha) of forest land **in**

Thanigehalli village Sy No. 35, Hirekandavadi village Sy No. 107 & Dinadadahalli village Sy No 18, in Chitradurga Taluk & District for establishing Downhill Conveyor System (DCS) from ML No.2677 to railway siding was accepted by Nodal Officer and, after uploading on 29-08-2018 of the acknowledgement for having delivered the hard copies of the proposal to Deputy Conservator of Forests, Chitradurga Division & Deputy Commissioner, Chitradurga District by the User Agency, the online link was forwarded vide Ref-2 to the Deputy Conservator of Forests, Ballari Division for further processing under Section 2 of the Forest (Conservation) Act, 1980.

2. DCF, Chitradurga Division Report: The Deputy Conservator of Forests, Chitradurga Division has inspected the site on 01-09-2018. After receiving the additional information from the User Agency on 15-09-2018 sought through EDS query, the Deputy Conservator of Forests, Chitradurga 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, Chitradurga Division are as follows.

- a. The requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project
- b. The proposed forest area has a density of 0.2 and is in Eco-Class-III (Southern Tropical Scrub Jungle).
- c. As per Item 4(ii) of Part-II, there are 992 trees of various species like *Acacia auriculiformis*, *Pterocarpus marsupium*, *Albizia lebbeck*, *Anogeissus latifolia*, *Terminalia chebula*, etc., in 31-60 cm and above girth classes. The site has good regeneration (10,000+) of various tree species including sandal (about one-third of all) in less than 0-30 cm girth class.
- d. The area is adjacent to mining area and there is a possibility of the open dumps slide into the forest. There are small valleys in the proposed area.
- e. Major wild animals present in the area are the leopard, hare, porcupine, peacock, wild boar, etc.

- f. The proposed area does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor, Wildlife migration corridor etc.
- g. There are no protected archaeological/ heritage site/ defence establishment or any other important monument located in the area.
- h. There is no violation reported under FC Act, 1980.
- i. The details of forest land proposed for diversion are as given below.

Project Component wise break up	District & Taluk	Village & Name of Forest Block	Sy No.	Extent (in ha)	Legal status of land
Construction of Conveyor Belt form ML No.2677 to railway siding	Chitradurga	Thanigehalli	35	2.736	Nirthadi Reserved Forest
		Hirekandavadi	107	3.958	
		Dinadadahalli	18	1.284	
		Total		7.978	

3. **CCF, Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has not inspected the site, but has agreed with the recommendation made by the Deputy Conservator of Forests, Chitradurga Division. The Chief Conservator of Forests, Ballari Circle vide Ref(4) has recommended the proposal while submitting his opinion in PART-III.
4. **Compensatory Afforestation (CA):** In accordance with the Government of Karnataka Order No. FEE 88 FLL 2016 Dated 31-08-2016, the User Agency being a private party is required to provide equivalent non-forest private land adjoining or enclosure within a forest area in man-animal conflict zone towards compensatory afforestation. Accordingly, the User Agency has identified 7.978 hectare of non-forest private land in Sy No.1192, 1193, 1194 & 965 of Madduru village, Agara Hobli, Yalandur Taluk, Chamarajanagar District for CA purpose. **The User Agency has not obtained the CA Suitability Certificate from the jurisdictional Deputy Conservator of Forests. The User Agency is required to (i) obtain the CA Suitability Certificate from the jurisdictional DCF, (ii) get this land mutated as 'forest', (iii) transfer it to Karnataka Forest Department, and (iv) pay the applicable CA charges before Stage-II approval.**

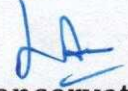
5. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of 7.978 hectare forest land in accordance with the orders dated 28/03/2008 and 09/05/2008 of the Hon'ble Supreme Court of India in I. A. No. 826 in I.A. 566 in WP (C) No. 202/1995 and as per the Government of India, Ministry of Environment and Forests (now MoEF&CC), New Delhi Guidelines issued vide letter F. No. 5-3/2007-FC Dated 05-02-2009 after receipt of the Stage-I approval from the Government of India. **The User Agency has submitted an Undertaking to pay the Net Present Value (NPV) of the forest land proposed for diversion.**
6. **RoFR Compliance:** The User Agency is required to obtain and submit the RoFR Compliance Certificate in FORM-I (for Linear projects) issued by jurisdictional Deputy Commissioner as per guidelines issued by GOI, MoEF&CC, New Delhi vide F.No. 11-9/ 1198-FC (Pt) dated 05-07-2013. The User Agency has not submitted the said Certificate so far **and hence will be required to submit it before final approval under FC Act.**
7. **Proximity to other mining leases in the area:** As per the CEC sketches, the alignment proposed by the User Agency passes through mining leases of M/s Janatakal Enterprises (non-functional at present) and Mineral Enterprises. Therefore, **the User Agency is required to obtain the No-Objection Certificates from the Mining Lease holder concerned before Stage-II approval.**
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 the 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 and agreeing with the recommendations of the field officers, **it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 7.978 hectare of forest land in Thanigehalli village Sy No. 35, Hirekandavadi village Sy No. 107 & Dinadadahalli**


village Sy No 18, in Chitradurga Taluk & District for establishing the Downhill Conveyor System (DCS) from ML No. 2677 to Railway siding in favour of M/s Vedanta Limited Iron Ore (Karnataka), Chitradurga subject to pending CA land issue, submission of RoFR Compliance Certificate, NOCs from the M/s Janatakal Enterprises (non-functional at present) and Mineral Enterprises as mentioned above and further subject 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, Ballari for information.
2. Copy to the Deputy Conservator of Forests, Chitradurga Division, Chitradurga for information.
3. Copy to M/s Vedanta Limited, Megalahalli Office Complex, Bheemasamudra Post, Chitradurga District - 577 520 for information and necessary action as mentioned above.


ರವಾನಿಸೂಚನೆ
25-10-18

ANNEXURE 'A'

Enclosure to letter No. A5(1).MNG.CR.6/2018-19

date: 25-10-2018

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 of Karnataka from time to time.
3. The lease tenure is for a period of co-terminus with the MMDR lease concerned.
4. The User Agency has to pay the Net Present Value (NPV) of forest land diverted under this proposal in accordance with the orders dated 28/03/2008 and 09/05/2008 of the Hon'ble Supreme Court of India in I. A. No. 826 in I.A. 566 in WP (C) No. 202/1995 and as per the Government of India, Ministry of Environment and Forests, New Delhi Guidelines issued vide letter F. No. 5-3/2007-FC Dated 05-02-2009.
5. The User Agency shall get CA suitability certificate for 7.978 hectare non-forest land identified for compensatory afforestation, and get it mutated as 'forest', transfer to the Forest Department and shall pay CA charges.
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. User Agency will submit RoFR Certificate and NOCs from M/s Janatakal Enterprises & M/s Mineral Enterprises.
8. In case of any violations, the proposed forest lease shall be liable for forfeiture under Section 82 of Karnataka Forest Act, 1963.
9. No residential buildings shall be permitted in the proposed forest lease.
10. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant laws will be applicable for any violation.
11. In order to safeguard the wildlife interests and free movement of wild animals during night, transportation of ore through Conveyor Belt will be limited between sunrise and sunset.
12. The User Agency shall ensure that there should be no avoidable damage to the available fauna and flora.
13. No labour camp shall be established on the forest land.
14. 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.
15. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
16. 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)

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 of 7.978 hectare of forest land in Thanigehalli village Sy No. 35, Hirekandavadi village Sy No. 107 & Dinadadahalli village Sy No 18, in Chitradurga Taluk & District for establishing Conveyor Belt from ML No. 2677 to railway siding in favour of M/s Vedanta Limited Iron Ore (Karnataka), Chitradurga with the conditions specified in **Annexure 'A'**.

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: 15 /2018-19

Date: 25-10-2018

