

**PART – IV**

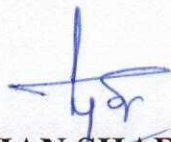
(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

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 2.4314 hectare of forest land in Deogiri (Swamimalai Forest Block), Sandur Taluk, Ballari District for establishing Downhill Conveyor System (DCS) from Kammathuru Iron Ore Mine (ML No. 2678) to PMBR (BMM) siding in favour of M/s Sandur Manganese and Iron Ores Limited (SMIORE), Lakshmipur, Sandur Taluk, Ballari District with the conditions specified in <b>Annexure 'A'</b> .
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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: 09/2018-19

Date: 26-09-2018



ಕರ್ನಾಟಕ ಸರ್ಕಾರ

C.No.21536

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ  
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರಕಚೇರಿ

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ, ಮಲ್ಲೇಶ್ವರಂ  
ಬೆಂಗಳೂರು-560 003.

Aranya Bhavan, 18<sup>th</sup> Cross  
Malleshwaram, Bengaluru-560 003  
Telephone : 080 2334 6472  
Email : apccffc@gmail.com

No. A5(1).MNG.CR.15/2017-18

Date: 26 -09-2018.

Encl: 3 sets proposal

To,

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

Sir,

Sub: Diversion of 2.4314 hectare of forest land in DeogiriSwamimalai Forest Block in SandurTaluk of Ballari District for establishing Downhill Conveyor System (DCS) from Kammathuru Iron Ore Mine [Mining Lease No. 2678 (old 2580/1179)] to PMBR (BMM) siding in favour of M/s Sandur Manganese and Iron Ores Limited (SMIORE), Lakshmipur, SandurTaluk, Ballari district.

**Proposal No. FP/KA/Others/31165/2018.**

- Ref: 1. Online proposal dated 24-04-2018 (resubmitted after attending shortcomings) of M/s SMIORE, Ballari.
2. This office online communication dated 06-06-2018 to Deputy Conservator of Forests, Ballari Division, Ballari.
3. Letter No. M1/MNG/SMIORE/Conveyor Belt/2018-19 dated 11-09-2018 of the Deputy Conservator of Forests, Ballari Division (PART-II uploaded online on 12-09-2018).
4. Letter No. M1/MNG/CR-20/2004-05 dated 15-09-2018 of the Chief Conservator of Forests, Ballari Circle (PART-III uploaded online on 17-09-2018).

\* \* \* \* \*

1. The online proposal re-submitted on 24-04-2018 by the User Agency, viz., Sandur Manganese and Iron Ores Limited (SMIORE), Lakshmipur, Sandur Taluk, Ballari District, for diversion of 2.4314 hectare of forest land in



Deogiri Swamimalai Forest Block, Sandur Taluk, Ballari District for establishing Downhill Conveyor System (DCS) from Kammathuru Iron Ore Mine [ML No.2678 (old 2580/1179)] to PMBR (BMM) siding was accepted by Nodal Officer and, after receiving the acknowledgement of User Agency having delivered the hard copy to Deputy Conservator of Forests, Ballari Division & Deputy Commissioner, Ballari District on 05-06-2018, the online link was forwarded to the Deputy Conservator of Forests, Ballari Division on 06-06-2018 for further processing under Section 2 of the Forest (Conservation) Act, 1980.

2. **DCF, Ballari Division Report:** The Deputy Conservator of Forests, Ballari Division, after obtaining additional information from the User Agency on 08-09-2018 through EDS has submitted the PART-II of the proposal to the Chief Conservator of Forests, Ballari Circle vide his letter dated 11-09-2018 (ref-3) duly recommending the proposal. The details of the proposal as reported by the Deputy Conservator of Forests, Ballari Division are as follows.

- a. The proposed forest area falls under Eco-Class-III (Southern Dry deciduous forest).
- b. Major flora and fauna found in the proposed area are:

**Flora-** *Acacia catechu*, *Albizia amara*, *Anogeissus latifolia*, *Cassia fistula*, *Carissa carandas* and *Dodonaea viscosa*.

**Fauna-** Hare, Peafowl, Sloth Bear, Wild boar, Leopard, Grey partridge and Indian porcupine

- c. As per Item 4(ii) in PART-II, there are 38 trees in 30-60 and above girth classes in the forest land concerned. [Note: The Enumeration List submitted by the DCF Ballari Division is erroneous and is being got clarified upon separately.]
- d. There are no protected / archaeological / heritage sites or defence establishments or important monuments in the area.
- e. The proposed forest area does not form part of any Wildlife Sanctuary, National Park, Biosphere Reserve, Tiger Reserve or Elephant Corridor etc. It is 20.36 km away from the Daroji Bear sanctuary and 9.5 km away from the Gudekote Bear sanctuary.



- f. The proposed area is prone to soil erosion because of slope and poor vegetation. Hence, the User Agency is required to take up Soil & Moisture Conservation works in the area.
- g. There is no violation reported under Forest (Conservation) Act 1980.
- h. The details of forest land proposed for diversion are as given below.

District & Taluk	Village & Name of Forest Block	Component		Forest Land (ha)	Legal status of land
Ballari District SandurTaluk	Deogiri (Swamimalai forest block)	1	Downhill Conveyor System continuing from SMIORE ML No. 2678 (old NO. 2580/1179)	0.8445	Section 4 notified forest area [Government notification No. FFD 29 FAF 84 dated 28-02-1985]
		2	Approach cum service road SR 1 a	0.044064	
		3	Approach cum service road SR 1 b	0.127517	
		4	Approach cum service road SR 1 c	0.1659681	
		5	Approach cum service road SR 1 d	0.2005388	
		6	Approach cum service road SR 1 e	0.240686	
		7	Approach cum service road SR 1 f	0.0460992	
		8	Approach cum service road SR 1 g	0.2810157	
		9	Approach cum service road SR 2	0.025	
		10	Approach cum service road SR 3	0.456	
2.4314					

Total requirement of the land for the project is 3.3494 hectare, out of which 2.4314 hectare is forest land, 0.717 hectare is non-forest government land and remaining 0.201 hectare is in mining lease area itself.

3. **CCF, Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has not inspected the site but agreeing with the recommendation of the Deputy Conservator of Forests, Ballari Division made in PART-II, has vide Ref(4) requested to consider the proposal for diversion of forest land under Forest (Conservation) Act, 1980. He has submitted his opinion in PART-III online.



4. **Compensatory Afforestation:** 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 identify a non-forest private (patta) land either as an enclosure or adjoining an existing forest area in man-animal conflict zone. However, the User Agency has proposed an extent of 2.45 hectare within 92.93 Acre of government land earmarked by Deputy Commissioner, Ballari District vide Order No. kam/gani/03/12-13/ dated 21-06-2012 in Sy.No. 106D of Tumati village, ToranagalluHobli, SandurTaluk, Ballari District for raising CA plantation pertaining to the FC proposal of the User Agency and already mutated as 'Forest Department' in the Revenue Records. **The User Agency will be required to provide the eligible non-forest CA land to the extent of 2.4314 hectare in accordance with the aforesaid State Government order before the final (Stage-II) clearance and is being intimidated accordingly.**
5. **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 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 the 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) for the land proposed for diversion.**
6. **RoFR Compliance:** The User Agency is required to obtain RoFR compliance certificate in Form-I 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 31-05-2018 to the Deputy Commissioner, Ballari District.
7. 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.
8. 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 2.4314 hectare of forest land in Deogiri (Swamimalai Forest Block), Sandur Taluk, Ballari District for establishing Downhill Conveyor System (DCS) from Kammathuru Iron Ore Mine (ML No. 2678) to PMBR (BMM) siding in favour of M/s Sandur Manganese and Iron Ores Limited (SMIORE), Lakshmipur, Sandur Taluk, Ballari district 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 M/s Sandur Manganese and Iron Ores Ltd., Registered office, Lakshmipur, Sandur Taluk, Ballari District – 583 119 for information and necessary action.




## ANNEXURE 'A'

Enclosure to letter No. A5(1).MNG.CR.15/2017-18

date: 26-09-2018

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 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) 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 2.45 hectare compensatory afforestation land mutated as 'Forest' and transferred to the Forest Department and shall pay CA charges for 2.45 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 proposal Forest Land shall be liable for forfeiture under Section 82 of Karnataka Forest Act 1963.
8. No residential buildings shall be permitted in the proposed 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 between sunrise and 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 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)