

**F. No.8-323/1989-FC (pt.)**  
Government of India  
Ministry of Environment, Forests and Climate Change  
(Forest Conservation Division)

Indira Paryavaran Bhawan  
Aliganj, JorbaghRaod,  
New Delhi-110003

Dated: 11<sup>th</sup> April, 2018

To,  
The Principal Secretary (Forests),  
Government of Karnataka,  
Bangalore.

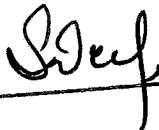
**Sub: Diversion of 2.048 ha (4.25 ha as per Form A) of forest land in SM Block, Kumarswamy Range, Ballari District for approach road to ML NO. 2313 in favour of M/s JSW Steel Ltd.**

Sir,

I am directed to refer to the State Government's letter no. FEE 77 FFM 2017 dated 11.01.2018 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys its '*in-principle*' approval for diversion of 2.048 ha (4.25 ha as per Form A) of forest land in SM Block, Kumarswamy Range, Ballari District for approach road to ML NO. 2313 in favour of M/s JSW Steel Ltd. subject to fulfilment of the following conditions:

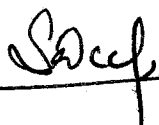
- (i) Legal status of the diverted forest land shall remain unchanged ;
- (ii) No new road is allowed to be constructed in virgin forest. Considering the Fact that the mine is land locked and there is no access other than existing 'kaccha' forest path (3.496 ha) which passes through NMDC lease area. It is reported that the existing 'kaccha' forest path was being used by M/S Hothur Traders since 1963 for mining purpose. Accordingly, the existing 'kaccha' forest path of 4.4 km (2.56 km outside NMDC lease area and 1.81 km inside NMDC lease area) may be allowed to be used by M/S JSW steel ltd (ML no 2313).
- (iii) M/S JSW steel Ltd shall share the NPV charges with NMDC (lease no 1111) for the area 1.448 ha (1.81 km) of existing 'kaccha' forest path, which falls within NMDC lease area .For balance area of 2.048 ha(2.56 km) M/S JSW steel Ltd shall pay full NPV .
- (iv) M/S JSW steel Ltd shall provide 3.496 ha of non-forest land for compensatory afforestation. The land shall be mutated in the name of forest department prior to stage II approval. Revised CA scheme in this regards shall be submitted.CA shall be carried out at the rate of 1000 plants per ha (i.e 3496 plants).If it is not possible to plant the stipulated numbers of plants over 3.496 ha of non-forest area then the remaining plants may be planted over degraded forest land as per the prescription of the working plan.
- (v) M/S JSW steel Ltd. shall be responsible for repairs and upkeep of the existing 'kaccha' forest path (including the portion with in NMDC ML no 1111).The kaccha road will be made all weather road (pucca) so as to reduce the air pollution in consonance with the environment conditions imposed in EC. No



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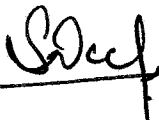
crushing/breaking of stones shall be allowed inside forest area. Readymade material shall be used for improvement of such road.

- (vi) The Hon'ble Supreme Court in judgment dated 21-03-2017 passed in IA No. 247 & other IAs in Writ Petition Civil No. 562/2009 have approved construction of conveyer belt system, railway sidings and railway sub-lines as the most significant step towards controlling the environmental pollution that has persisted on account of open movement of iron ore by road. Such infrastructure is yet to be established and made operational. Accordingly, the user agency should take necessary steps to fulfil the condition as laid down by Hon'ble Supreme Court as early as possible. Till such time, the proposed road may be used for transportation of ore. The area being diverted for road will revert to Forest Department once the conveyer belt-railway system is made operational.
- (vii) Operation of the proposed road and mining is subject to the orders of Hon'ble Supreme Court in SLP No. 20180/2010 dated 01-07-2013 regarding mining operations in proximity of the archeologically protected monuments, as the proposed approach road and ML No. 2313 are in proximity of Karthikeaya Temple.
- (viii) The lease period shall be ~~con~~-terminus with current lease granted under MMRD (Amendment) Act 2015 for ML No. 2313 and the user agency shall pay lease rent as fixed by the Government from time to time.
- (ix) The diverted 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 would resume to the Forest Department as per Section 82 of Karnataka Forest Act, 1963. The concerned Chief Conservator of Forest/Deputy Conservator of Forests are authorized to take necessary action in this regard. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
- (x) The lessee shall not sub-lease, mortgage or hypothecate the forest area.
- (xi) No new forest roads are advisable in this region. The existing 'kaccha' forest path, which was in use since 1963, may be used for mining lease purposes.
- (xii) Plantation upto 50 meter shall be raised on both sides of the road outside the NMDC ML No. 1111 area at the cost of user agency.
- (xiii) Suitable soil conservation measures shall be under taken upto 50 meter on both sides of the road at the cost of user Agency.
- (xiv) 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).
- (xv) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale.
- (xvi) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance and the said non-forest land as identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance in this regard;
- (xvii) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate as directed and advised by State Forest Department in the Ad-hoc CAMPA Account of the State concern through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;.
- (xviii) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC

 .. 11.4.18

dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned.

- (xix) **The user agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage- I clearance;**
- (xx) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
- (xxi) No labour camp shall be established on the forest land.
- (xxii) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- (xxiii) The boundary of the diverted forest land, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing, distance from pillar to pillar and GPS Co-ordinates.
- (xxiv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xxv) The forest land shall not be used for any purpose other than that specified in the proposal.
- (xxvi) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.
- (xxvii) No damage to the flora and fauna of the adjoining area shall be caused.
- (xxviii) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department.
- (xxix) The User Agency shall raise strip plantation on either sides of the road and central verge at the project cost, as per IRC specification, with maintenance of 7-10 years. The User Agency shall also submit design of providing at least 2-3 rows of long rotation indigenous trees, as per provision of IRC-SP-21-2009 (Guidelines on landscaping & tree plantation), on either sides of the road before final clearance.
- (xxx) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
- (xxxi) Overburden shall not be dumped outside the width of the road. The muck generated in the earth cutting will be disposed off at the designate dumping sites and in no case the muck/debris shall be allowed to roll down the hill slopes.
- (xxxii) The User Agency will provide retaining walls, breast wall and drainage as per requirement to make the slope stable.
- (xxxiii) The User Agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
- (xxxiv) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009, 05th February, 2013 and 05th July, 2013, in support thereof;
- (xxxv) The User Agency shall not collect any toll from the vehicles carrying forest officers on duty;
- (xxxvi) The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;
- (xxxvii) Proper drainage shall be built with engineering structures all along the road, as

  
11.4.18

- suggested in the inspection report;
- (xxxviii) Avenue plantation shall be raised and maintained at the cost of user agency;
- (xxxix) Fugitive dust emissions shall be controlled by making water spraying arrangements on the road;
- (xl) The user agency shall have only the right of way and the control over the road shall remain with the forest department;
- (xli) The User Agency shall submit the annual self - compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;
- (xlii) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xlili) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

After receipt of the compliance report on fulfilment of the above conditions from the State Government, formal approval will be considered under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully,



(Sandeep Sharma)

11.4.18

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Karnataka, Bangalore.
2. The Nodal Officer (FCA), Office of the PCCF, Government of Karnataka, Bangalore.
3. The Addl. PCCF (Central), Regional Office, Bangalore.
4. The User Agency.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.



(Sandeep Sharma)

11.4.18

Assistant Inspector General of Forests (FC)