

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,

ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003.

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E-office file No: KFD/HOFF/A5-1(MNG)/14/2018-FC

Encl: 3 Sets

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To,

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

Sir,

Sub: Diversion of 133.58 hectare of forest land (comprising of 130.53 ha for Iron Ore Mining in erstwhile ML No.2365 of M/s Tungabhadra Mineral Private Limited and 3.05 ha for approach road) in Donimalai Block, Sandur Taluk, Ballari District in favour of M/s JSW Steel Ltd. Toranagallu, Ballari District.

Online Proposal No. FP/KA/MIN/25219/2017

- Ref:** 1. Letter F.No.8-12/2018-FC dated 22-06-2018 of the Government of India, Ministry of Environment, Forests & Climate Change, New Delhi [Stage-I approval].
2. This office letter of even number dated 18-07-2018.
3. Letter No. M1:MNG:JSW:Bhadra/ML.No.2365/2018-19 dated 25-10-2018 of the Deputy Conservator of Forests, Ballari Division [Compliance Report]
4. Letter No. M1:MNG:TML:TRFML2365:CR:3/2017-18 dated: 14-11-2018 of the Chief Conservator of Forests, Ballari Circle [Compliance Report]

The Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide reference (1) has accorded *in-principle* (Stage-I) approval for diversion of 133.58 hectare of forest land (comprising of 130.53 ha for Iron Ore Mining in erstwhile ML No.2365 of M/s Tungabhadra Mineral Private Limited and 3.05 ha for approach road) in Donimalai Block, Sandur Taluk, Ballari District in favour of M/s JSW Steel Ltd. Toranagallu, Ballari District under Section 2 of the Forest (Conservation) Act, 1980 subject to certain conditions. Accordingly, the User Agency and field officers were directed by this office vide reference (2) to submit the compliance.

The condition wise compliance report in respect of the conditions stipulated in the '*in-principle*' (Stage-I) approval after verification has been received from the field

officers (ref- 3 & 4). Based on the reports received as above, the condition-wise compliance to the conditions of Stage-I approval is given below.

	Condition stipulated in Stage-I approval dated 22-06-2018	Status of Compliance
(i)	Legal status of the diverted forest land shall remain unchanged.	The legal status of the forest land remains unchanged. In this connection, the User Agency has submitted an Undertaking for the same. Enclosed as ANNEXURE I.
(ii)	User agency shall provide non-forest land equivalent to 133.58 ha for Compensatory afforestation. CA scheme shall be revised accordingly.	User Agency has transferred & mutated the Non-forest land to an extent of 133.58 Ha (330.07 acres) in Agasanuru, Mittesuguru and Bommalapura villages in Siraguppa Taluk and Tumati village in Sandur Taluk (all in Ballari District), Timmapura village in Lingasuguru Taluk (Raichur District) in favour of State Forest Department. Copies of (i) a statement showing the village and Sy Number-wise details of CA lands, (ii) RTCs (iii) Mutation Register abstract (iv) Registered Deeds of Conveyance between the Private land holders and Range Forest Officer, Lingasuguru Range are enclosed as ANNEXURE- II, II-A, II-B, II-C. <i>along with map?</i> Revised CA scheme for 133.58 ha is enclosed as ANNEXURE- II-D.
(iii)	Non-forest land equivalent to 133.58 ha shall be transferred and mutated in favour of State Forest Department prior to Stage-II approval.	Same as in Condition No. (ii) above
(iv)	State Government shall ensure that CA scheme with at least 1000 plants per ha is plant able on the non-forest land which is being provided by the User agency for compensatory afforestation. In case if it is not possible to carry out plantation @ 1000 plants per ha in the proposed non-forest CA land, the remaining number of plants shall be planted on degraded	Will be implemented as per State CAMPA scheme after receipt of the funds from State CAMPA.

	forestland. The shape file of such degraded forestland shall be provided to MoEF&CC prior to Stage II approval.	
(v)	NPV for the entire area of 133.58 ha shall be charged.	<p>User Agency has remitted a sum of Rs.10,72,64,740/- towards the NPV of the entire area vide RTGS (UTR No. VIJBH18221063804) dated 09-08-2018 through FC web-portal.</p> <p>Copies of (i) Payment page print taken from FC web-portal, (ii) Challan generated from FC web-portal, and (iii) letter from the Bank concerned regarding transfer of the amount of Rs.16,06,78,240/- (which comprises the NPV amount) to the designated account ANNEXURE III, III-A & III-B.</p>
(vi)	State Government shall develop a reclamation scheme for the area broken by erstwhile mine holder outside the mining lease. A detail scheme along with specific time line to green the area shall be submitted by the State Government.	<p>A detailed reclamation scheme for the area broken outside the mining lease by erstwhile mine holder will be developed by User Agency. In this regard, the User Agency has submitted an Undertaking for greening the outside the lease area. Copy enclosed as ANNEXRE IV.</p>
(vii)	State Government shall prepare a site-specific wild life management plan duly approved by Chief Wildlife Warden of the state. The cost of preparation and implementation shall be borne by user agency.	<p>The User Agency has submitted a copy of the Wildlife Management Plan prepared by Zoological Survey of India (Southern Regional Centre), Chennai and approved by Chief Wildlife Warden, Karnataka vide letter dated 19-09-2018.</p> <p>The User Agency has remitted a sum of Rs.64,00,000/- vide RTGS UTR No. VIJBH18337007733 dated 03-12-2018 towards the cost of the implementation of Wildlife Management Plan.</p> <p>Copies of (i) Approval letter dated 19-09-2018 of Chief Wildlife Warden, Karnataka (ii) Payment page print taken from FC web-portal (iii) Challan generated from FC web-portal (iv) letter from the Bank concerned regarding transfer of the amount of Rs.67,36,000/-</p>

		<i>(which comprises the cost of the implementation of Wildlife Management Plan)</i> are enclosed as ANNEXURE V, V-A, V-B & V-C.
(viii)	State Government shall prepare a regional wild life management plan user agency shall be asked to contribute to the regional wild life management plan in proportion to the area of mining lease falling within the designated region of wild life management plan. The contribution to the regional wild life management plan shall be different from site-specific wildlife management plan. The plan shall be approved by competent authority in the state.	The User Agency has submitted an Undertaking (ANNEXURE-VI) to comply with the all conditions proposed by PCCF (HoFF), Karnataka in his forwarding letter No. A5(1).MNG.CR.02/2017-18 dated 20.01.2018.
(ix)	User agency shall prepare and implement a soil and moisture conservation plan. It shall be duly approved by competent authority in the state and commensurate funds shall be deposited in the account of Adhoc-CAMPA.	<p>The User Agency has submitted a copy of the Soil and Moisture Conservation Plan prepared by Zoological Survey of India (Southern Regional Centre), Chennai and approved by Chief Wildlife Warden, Karnataka vide letter dated 19-09-2018.</p> <p>The User Agency has remitted a sum of Rs.3,36,000/- vide RTGS UTR No.VIJBH18337007733 dated 3-12-2018 towards the cost of implementation of Soil Moisture Conservation Plan remitted in the account of Ad-hoc CAMPA.</p> <p>Copies of (i) Approval letter dated 19-09-2018 of Chief Wildlife Warden, Karnataka (ii) Payment page print taken from FC web-portal (iii) Challan generated from FC web-portal (iv) letter from the Bank concerned regarding transfer of the amount of Rs.67,36,000/- <i>(which comprises the cost of the implementation of Soil and Moisture Conservation Plan)</i> are <u>already enclosed</u> as ANNEXURE V, V-A, V-B & V-C.</p>
(x)	All the conditions proposed by PCCF (HoFF) Karnataka in his forwarding letter:	Same as in Condition No. (viii) above.

	A5(1).MNG. CR-02/2017-18 dated 20.01.2018 shall be complied.	
(xi)	State Government shall ensure complete compliance of FRA Act 2006 as per the guidelines issued by MoEF&CC on 03.08.2009 read with 05.07.2013;	Copy of the ROFR compliance certificate in FORM-II issued by Deputy Commissioner, Ballari District vide No. Rev/Mining/FRA/63/2017-18 dated 04.09.2018 is enclosed as ANNEXURE VII.
(xii)	The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;	The User Agency has remitted an amount of Rs. 4,00,74,000/- towards the cost of raising Compensatory Afforestation charges at the current wage rate vide RTGS (UTR No.VIJBH1833700 7733) dated. 09-08-2018. Copies of (i) Payment page print taken from FC web-portal, (ii) Challan generated from FC web-portal, and (iii) letter from the Bank concerned regarding transfer of the amount of Rs.16,06,78,240/- (which comprises the CA amount) to the designated account are <u>already enclosed</u> as ANNEXURE III, III-A & III-B.
(xiii)	The User Agency shall transfer online, the Net Present Value (NPV) of the forestland 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 dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;	Same as in Condition No. (v) above
(xiv)	The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;	The User Agency has given an Undertaking in this regard [ANNEXURE VIII].
(xv)	The user agency should ensure that the compensatory levies (CA cost, NPV, etc.)	Same as in Condition No. (v) & (xii) above

	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;	
(xvi)	The Forest clearance will be for a period co-terminus with the lease period specified in the lease agreement. The State Government will submit the lease agreement document specified in the lease agreement;	The mining lease is e-auctioned by Department of Mines and Geology, Government of Karnataka in accordance with the order dated 18-04-2013 of the Hon'ble Supreme Court in matter of 'C' Category mines. The User Agency has been issued a Letter of Intent for grant of this lease area for an extent of 133.58 hectares for a period of 50 years. The Lease Deed with the Department of Mines and Geology is not yet executed by the User Agency.
(xvii)	The State Government may note that, this Ministry will not be liable to pay any compensation or refund compensatory levies deposited in Adhoc CAMPA fund to the erstwhile lease holder in category "C" mine;	Noted.
(xviii)	<p>The user agency shall implement the following activities under the supervision of the State Forest Department:</p> <ol style="list-style-type: none"> Mitigative measures to minimize soil erosion and choking of stream shall be initiated to be implemented within a period of three years with effect from the date of issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department. Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme; Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme; 	The User Agency has submitted Undertaking in this regard [ANNEXURE IX].

	<p>d) Stabilize the overburden dumps by appropriate grading/ benching, accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28° ; and</p> <p>e) No damage shall be caused to the topsoil and the user agency will follow the top soil management plan.</p>	
(xix)	<p>The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If, it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Addl. Pr. Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;</p>	<p>The User Agency has submitted Undertaking in this regard [ANNEXURE X].</p>
(xx)	<p>The user agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;</p>	<p>The User Agency has submitted Undertaking in this regard [ANNEXURE XI].</p>
(xxi)	<p>The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Birds' nests artificially made out of eco-friendly material shall be used in the area, including forest area and human</p>	<p>The User Agency has submitted Undertaking in this regard [ANNEXURE XII].</p>

	settlements, adjoining the forest area being diverted for the project.	
(xxii)	The boundary of the diverted forest land, mining lease and safety zone, 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, distance from pillar to pillar and GPS co-ordinates;	The User Agency has finished the process of fixing the pillars on the boundary of their mining lease area, Safety Zone and forest land. Images of erected pillars on ground are enclosed as ANNEXURE XX . <u>XIII</u>
(xxiii)	The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;	The User Agency has submitted the copy of letter No. J-11015/16/2007/IA.II(M) dated 23.10.2017 [ANNEXURE XXI] of the Government of India, Ministry of Environment, Forest Climate Change, (Impact Assessment Division), New Delhi regarding transfer of Environment Clearance to the User Agency. <u>XIV</u>
(xxiv)	Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;	The User Agency has submitted Undertaking in this regard [ANNEXURE XV] .
(xxv)	The layout plan of the proposal shall not be changed without the prior approval of the Central Government;	The User Agency has submitted Undertaking in this regard [ANNEXURE XVI] .
(xxvi)	No labour camp shall be established on the forest land;	The User Agency has submitted Undertaking in this regard [ANNEXURE XXII] . <u>XVI</u>
(xxvii)	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;	The User Agency has submitted Undertaking in this regard [ANNEXURE XXIII] . <u>XVII</u>
(xxviii)	The State Govt. and the User agency shall ensure de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required preferably within five years from the date of approval of Stage-II Clearance;	The User Agency has submitted Undertaking in this regard [ANNEXURE XXIV] . <u>XIX</u>
(xxix)	The forest land shall not be used for any purpose other than that specified in the proposal and the said forest land shall under no circumstances be transferred to	The User Agency has submitted Undertaking in this regard [ANNEXURE XXV] .

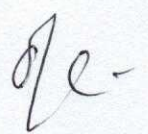
	any other agency, department or person without prior approval of the Central Government;	
(xxx)	No damage to the flora and fauna of the adjoining area shall be caused;	The User Agency has submitted Undertaking in this regard [ANNEXURE XXIII]. <u>XXI</u>
(xxxi)	The User Agency shall submit the annual 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;	The User Agency has submitted Undertaking in this regard [ANNEXURE XXIV]. <u>XXI</u>
(xxxii)	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	The User Agency has submitted Undertaking in this regard [ANNEXURE XXV]. <u>XXI</u>
(xxxiii)	The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project;	The User Agency has submitted Undertaking in this regard [ANNEXURE XXVI]. <u>XXIV</u>

Under the above circumstances, it is requested to move the matter with the Government of India, Ministry of Environment, Forest and Climate Change, New Delhi to consider according the final approval (Stage-II) for diversion of 133.58 hectare of forest land (comprising of 130.53 ha for Iron Ore Mining in erstwhile ML No.2365 of M/s Tungabhadra Mineral Private Limited and 3.05 ha for approach road) in Donimalai Block, Sandur Taluk, Ballari District in favour of M/s JSW Steel Ltd. Toranagallu, Ballari District under Section '2' of Forest (Conservation) Act, 1980 for a period co-terminus with the mining lease granted under MMDR Act.

Yours faithfully,



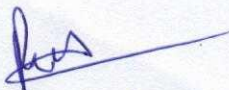
Principal Chief Conservator of Forests
(Head of Forest Force)



Copy to the Chief Conservator of Forests, Ballari Circle, Ballari for information.

Copy to the Deputy Conservator of Forests, Ballari Division, Ballari for information.

Copy to M/s JSW Steel Ltd. Vijayanagara works, P.O. Vidyanagar, Toranagallu – 583 275, Sandur Taluk, Ballari District for information.


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ದಿನಾಂಕ 17-12-2018