

F. No. 8-27/2005-FC (Vol.)
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi – 110003
Dated: 27th September, 2017

To

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

Sub: Diversion of 5.71 ha of forest land for widening of existing approach road for ML No. 1111 S. M. Block Forest in favour of M/s NMDC Ltd. Donimalai, Sandur (Bellary Forest Division & District).

Sir,

I am directed to refer to the State Government's letter No. FEE 41 FFM 2016 dated 05.11.2016 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 the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

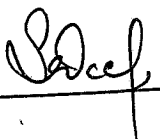
After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, ***In-principle approval/Stage-I Clearance*** of the Central Government is hereby granted for diversion of 5.71 ha of forest land for widening of existing approach road for ML No. 1111 S. M. Block Forest in favour of M/s NMDC Ltd. Donimalai, Sandur (Bellary Forest Division & District):

- (i) Legal status of the diverted forest land shall remain unchanged.
- (ii) Compensatory Afforestation, twice in extent to the area of forest land proposed on identified degraded forest land, shall be raised within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department at the cost of the user agency. Further, at least 1000 saplings per hectares shall be planted over 11.42 ha (11420 plants). 25% of the CA cost additionally will be spent towards Soil and Moisture Conservation activities in the proposed CA area as per site requirement and deposited in CAF.
- (iii) **The User agency shall pay NPV at the rate 20 per cent for the area under violation (5.71 ha) , for each year since the violation of Forest (Conservation) Act 1980 has commenced;**
- (iv) **User agency shall raise penal CA on degraded forest land equivalent to the land (5.71 ha) utilised in violation of the provision of Forest (Conservation) Act 1980 within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department at the cost of the user agency;**
- (v) The land identified for the purpose of CA shall be clearly depicted on a Survey of India top-sheet of 1:50,000 scale.
- (vi) 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;



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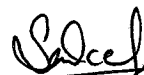
- (vii) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned.
- (viii) Any fund received from the user agency under the project and deposited in the State Forest Department account, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned.
- (ix) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
- (x) No labour camp shall be established on the forest land.
- (xi) 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.
- (xii) 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.
- (xiii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xiv) The forest land shall not be used for any purpose other than that specified in the proposal.
- (xv) 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.
- (xvi) No damage to the flora and fauna of the adjoining area shall be caused.
- (xvii) 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 settlements, adjoining the forest area being diverted for the project.
- (xviii) 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.
- (xix) 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.
- (xx) 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.
- (xxi) 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.
- (xxii) The User Agency will provide retaining walls, breast wall and drainage as per requirement to make the slope stable.
- (xxiii) 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;
- (xxiv) The User Agency shall not collect any toll from the vehicles carrying forest officers on duty;
- (xxv) 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;
- (xxvi) Proper drainage shall be built with engineering structures all along the road, as suggested in the inspection report;


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- (xxvii) Avenue plantation shall be raised and maintained at the cost of user agency;
- (xxviii) Fugitive dust emissions shall be controlled by making water spraying arrangements on the road;
- (xxix) The user agency shall have only the right of way and the control over the road shall remain with the forest department;
- (xxx) The User Agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to the concerned Regional Officer of the Ministry regularly;
- (xxxi) 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
- (xxxii) The State Government and User Agency shall ensure compliance to all conditions stipulated above and also 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.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,

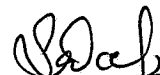


(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:

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



(Sandeep Sharma)

Assistant Inspector General of Forests