

F. No. 8-14/2018-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi – 110003

Dated: 24th July, 2017

To,

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

Sub: Diversion of 32.56 hectare [revised from 33.80 hectare] of forest land for iron ore mining [erstwhile 'C' category M.L. No. 2621 of M/s. Rama Rao Poal] allocated through auction sale to M/s. JSW Steel Ltd., Toranagallu in Ramanamalai Block Reserve Forest, Sandur North Range, Ballari District.

Sir,

I am directed to refer to the State Government's letter No. FEE 6 FFM 2018 dated 24/01/2018 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 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 32.56 hectare [revised from 33.80 hectare] of forest land for iron ore mining [erstwhile 'C' category M.L. No. 2621 of M/s. Rama Rao Poal] allocated through auction sale to M/s. JSW Steel Ltd., Toranagallu in Ramanamalai Block Reserve Forest, Sandur North Range, Ballari District subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Since the user agency has not applied for the use of existing road used by M/s. Rama Rao Paol, which was actually diverted in favour of Zeenat Transport Company, State Government shall submit the relevant documents along with DGPS co-ordinates and alignment of the existing road. The user agency may use the existing road by obtaining NOC from the Zeenat Transport Company for usage of road diverted in its favour and submitting the NOC prior to final approval.
- (iii) From the analysis through DSS it is observed that part of road which is informed to be diverted in favour of Zeenat Transport Company is passing through the proposed mining lease area of M/s JSW Steel Ltd. It may be clarified that the portion of road which is passing through lease area of JSW Steel Ltd is already diverted under Forest (Conservation) Act 1980 in favour of Zeenat Transport company or not. If the portion of the road is already diverted than the same need to be deducted from the proposed lease area or a NOC shall be provided by the Zeenat Transport Company to avoid twice diversion of same area in favour to two different project proponents.
- (iv) Compensatory afforestation programme shall be taken-up in consultation with State Forest Department. For compensatory afforestation preference will be given to native plant species. Compensatory afforestation will be raised over 33.8



ha of non-forest land identified by the state government and at least 1000 plants per hectare (33800 plants of native tree species) will be planted. The CA cost may be revised accordingly, if required, and CA cost shall be deposited in the Compensatory afforestation Fund of Karnataka State managed by adhoc CAPMPA.

- (v) 25% of the Cost of CA will be deposited in addition to the CA cost for soil and moisture conservation works at CA site.
- (vi) Since the proposed area is prone to soil erosion because of high slope & poor vegetation. Hence, the user agency shall undertake adequate soil & moisture conservation works such as check dam, gully checks, retaining wall etc. whether inside or outside the lease area, in consultation with the forest department before starting mining works preferably within three years.
- (vii) Presence of wild life has been reported in the area. State Government shall prepare a wild life management plan for the area and the same shall be implemented by the forest department. The cost of implementation and preparation of plan shall be borne by the user agency. The copy of approved wild life management plan by Chief wild life warden shall be submitted to MoEF&CC and the cost of the plan should be deposited in CAMPA fund prior to final approval.
- (viii) It is reported that proposal for diversion of 15.981 ha Forest land for construction of pipe conveyer by the user agency is pending at state level. State Government may be advised that, so far as technically possible, the alignment of pipe conveyer shall primarily follow the area of road which is already under non-forestry use so that there is minimum demand for change of land use of fresh forest area for construction of pipe conveyer.
- (ix) The user agency will start production only after depositing all NPV and other compensatory levies imposed for FC clearance and obtaining final approval under FC Act even though the existing EC of 0.5 MTPA has been transferred in favor of M/s. JSW Steel Ltd.
- (x) State Government will ensure complete compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with Ministry's guidelines dated 03.08.2009 read with 05.07.2013;
- (xi) Fencing, protection and regeneration of the safety zone area [7.5 meters strip shall be kept within the mining lease boundary and area of the safety zone shall be part of the total area of mining lease as per the Ministry's guidelines dated 27.05.2015] shall be done at the project cost within three years and maintained thereafter as per approved working plan of the State Govt. Besides this afforestation on degraded forest land to be selected elsewhere measuring one & a half times the area under safety zone shall also be done at the project cost;
- (xii) User agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any, located in the area within 100 meters from outer perimeter of the mining lease;
- (xiii) 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;
- (xiv) 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;



- (xv) 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;
- (xvi) **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;**
- (xvii) 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;
- (xviii) The State Govt. 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;
- (xix) The user agency shall implement the following activities under the supervision of the State Forest Department:
- (a) 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.
 - (b) 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;
 - (c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
 - (d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28°; and
 - (e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- (xx) 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;
- (xxi) 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/concern Regional Office of MoEF &CC along with indicators for monitoring and expected observable milestones;
- (xxii) 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.
- (xxiii) 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;



- (xxiv) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xxv) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxvi) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxvii) No labour camp shall be established on the forest land;
- (xxviii) 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;
- (xxix) The User Agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five km. from the mine lease boundary. This list is to be duly verified by the concerned Divisional Forest Officer. The User Agency shall regularly undertake desilting of these village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies. A detailed plan for desilting of identified ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF & CC before Stage-II approval;
- (xxx) The forest land shall not be used for any purpose other than that specified in the proposal and 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;
- (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;
- (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
- (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;

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

(Shrawan Kumar Verma)

Dy. Inspector General of Forests (FC)

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.

(Shrawan Kumar Verma)

Dy. Inspector General of Forests (FC)

01