

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನಮುಖ್ಯಅರಣ್ಯಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯಪಡೆಮುಖ್ಯಸ್ಥರು) ರವರಕಚೇರಿ
Office of the
Principal Chief Conservator of Forests
(Head of Forest Force)



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E-office File No. KFD/HOFF/A5-1(MNG)/30/2019-FC

E-78813

Enclosure:

Date 22-02-2024

To,

The Additional Chief Secretary to Government
Forests, Environment and Ecology Department
M.S. Building, Bengaluru - 560 001

Sir,

Sub: Diversion of 6.6978 hectare of forest land [**Revised from 12.4724 hectare**] near Dhamapura village, Sandur Taluk, Ballari District for establishing closed Pipe Conveyor System from Ramanadurga Iron Ore Mine (RIOM ML No.2141) in favour of M/s Sri Kumaraswamy Mineral Exports Private Limited, Ballari

Proposal No. FP/KA/MIN/39394/2019 [FORM-A]

- Ref:** 1. Government of India, Ministry of Environment, Forest & Climate Change, (Forest Conservation Division), New Delhi letter No. F.No.4-KRC040/2004-BAN dated 24-03-2022 [*Stage-I approval*] and letter dated 12-05-2023 [*modification of condition No. B(iii) of the stipulated Stage-I condition*]
2. Government of Karnataka letter No. FEE 07 FFM 2020 (e) dated 08-04-2022 [*communication of Stage-I approval*] and letter dated 24-05-2023 [*communication of modification of condition No. B(iii) of the stipulated Stage-I condition by GoI*]
3. This office even letter dated 20/22-04-2022 and 01/02-06-2023 [*addressed to UA and field officers reg communication of Stage-I Approval and modification of condition No. B(iii) for seeking compliance*] and 01-12-2023 [*approval for SMC Plan*]
4. M/s Sri Kumaraswamy Mineral Exports Private Limited, Ballari letter dated 16-05-2023, 22-08-2023 [*submission of SMC plan to DCF, Ballari*] and 19-12-2023 [*compliance to stipulated Stage-I conditions*]
5. Deputy Conservator of Forests, Ballari Division letter No. M1/MNG/SKME/Conveyor belt/2019-20 dated 06-09-2023 [*addressed to CCF, Ballari Circle reg submission of SMC plan*] and 06-02-2024 [*Compliance Report in respect of conditions of Stage-I approval*]

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6. Chief Conservation of Forests, Ballari Circle, Ballari letter No. M1/MNG/CR-19/2010-11(SKME) dated 22-09-2023 [submission of SMC plan] and 17-02-2024 [communication of Compliance Report submitted by DCF, Ballari]

The Government of India, Ministry of Environment, Forests and Climate Change, Bengaluru vide Ref (1) has accorded 'in-principle' (Stage-I) approval for diversion of 6.6978 hectare of forest land [Revised from 12.4724 hectare] near Dhamapura village, Sandur Taluk, Ballari District for establishing closed Pipe Conveyor System from Ramanadurga Iron Ore Mine (RIOM ML No.2141) in favour of M/s Sri Kumaraswamy Mineral Exports Private Limited, Ballari 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 Ref (3) to submit the compliance.

In response, the User Agency vide Ref (4) letter dated 06-02-2024 has submitted the Compliance Report to the Deputy Conservator of Forests, Ballari Division, who after verification has vide Ref (5) letter dated 17-02-2024 submitted the conditions wise Compliance Report to Chief Conservator of Forests, Ballari Circle who in turn has submitted the same to this office vide Ref (6).

Based on the above reports, the status of condition-wise compliance to the conditions of Stage-I approval is given below.

Conditions stipulated in Stage-I approval dated 24-03-2022 r/w modification of condition dated 12-05-2023		Compliance
A	Conditions which need to be complied prior to handing over of forest land by the State Forest Department and compliance is to be submitted prior to Stage-II approval.	
i.	The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the guidelines issued by this Ministry vide its letters No. 5-3/2011-FC (Vol.) dated 06.01.2022 and 19.01.2022. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;	The User Agency has paid an amount of Rs.82,28,850/- towards NPV charges for 6.6978 ha @ Rs.12,28,590/ha to Ad-hoc CAMPA through e-office challan dated 12-07-2023 vide UTR No. IBKLR92023071200003932 dt. 12.07.2023 [included in total amount of Rs.2,55,26,011/-]. Copies of Payment Page Print taken from FC Web portal is enclosed as Annexure-1.
ii.	The State Government shall declare the CA area identified against the present proposal for	As per, the Deputy Conservator of Forests, Ballari Division's Compliance report dated 06-02-2024, the Proposal for

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	diversion as forest area under section 29 of Indian Forest Act 1927 prior to Stage-II approval to the present Proposal.	<p>‘Protected Forest’ under Section-33 of Karnataka Forest Act, 1963 has submitted to the Chief Conservator of Forests, Working Plan, Belagavi by the Chief Conservator of Forests, Belagavi Circle, Belagavi vide letter No. A7/LND/Section-33declare /BGM/CR-16/2023-24 dated. 04.11.2023. Hence, it is found that the provided non-forest land for CA purpose is still in the process for declaration as RF/PF. However, the DCF, Ballari Division is being informed again to take all the necessary action for notification as RF/PF for the provided CA lands and submit the same.</p> <p>Documents related to CA land like, RTC, Mutations, PF proposal documents and others are enclosed as Annexure- 2 to 5.</p>
iii.	The State Government shall ensure that the user agency prepares the Soil Moisture Conservation (SMC) Plan, duly approved by the competent authorized in the State, and deposit the amount for implementation of the plan in CAMPA account prior to Stage-II.	<p>The User Agency has submitted the Soil Moisture Conservation (SMC) Plan, which has been prepared by them and which has been duly approved by the Principal Chief Conservator of Forests, (Head of the Forest Force), Bangalore vide letter KFD/HOFF/A5-1(MNG)/30/2019-FC dated. 01.12.2023.</p> <p>Approved Soil Moisture Conservation (SMC) plan is enclosed as Annexure-6.</p> <p>Further, the User Agency has paid an amount of Rs.50,67,000/- towards cost of approved Soil Moisture Conservation (SMC) Plan to Ad-hoc CAMPA in two instalments as follows.</p> <ol style="list-style-type: none"> 1. Rs. 50,00,000/- through e-office challan dated 12-07-2023 vide UTR No. IBKLR92023071200003932 dated 12.07.2023 <i>[included in total amount of Rs.2,55,26,011/-]</i>. 2. Rs. 67,000/- through e-office challan

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		<p>dated 11-01-2024 vide UTR No. IBKL240112413294 Dt. 12.01.2024.</p> <p>Copies of Payment Page Print taken from FC Web portal is enclosed as Annexure-1.</p>
iv	The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;	The User Agency has submitted the Survey of India topo sheet of 1:50,000 scale depicting the land identified for CA purpose copy is enclosed in Annexure-7 .
v	The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited through online e-portal into the CAMPA account in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;	<p>The User Agency has paid an amount of Rs.1,22,97,161/- towards the cost of raising Compensatory Afforestation for 6.6978 ha @ Rs.18,36,000/ha to Ad-hoc CAMPA through e-office challan dated 12-07-2023 vide UTR No. IBKLR92023071200003932 dt. 12.07.2023 <i>[included in total amount of Rs.2,55,26,011/-]</i>.</p> <p>Copies of Payment Page Print taken from FC Web portal is enclosed as Annexure-1.</p>
vi	All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (https://parivesh.nic.in). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.	The User Agency has remitted all the funds through e-portal (https://parivesh.nic.in) to Ad-hoc CAMPA through e-payment Challan. Copy of Status of Payment Page taken from FC Web Portal is enclosed as Annexure-1.
vii	The compliance report shall be uploaded on e-portal (https://parivesh.nic.in).	The complete compliance report is uploaded along with all the supporting documents & undertakings on e-portal (https://parivesh.nic.in) by the User Agency.
viii	State Government shall complete the settlement of rights, in term of the Scheduled Tribes and	The User Agency has obtained FRA Certificate in Form-II (for Nonlinear/Hybrid Projects) with all

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	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's letter No. 11-9/1998 FC (Pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;	annexures under Forest Rights Act, 2006 from the Deputy Commissioner, Ballari vide File No. BLR-DC-33011/11/2023-BLRDC/FRA dated.09.12.2023. The FRA Certificate with all its annexures, including the translated English version of the same is enclosed as Annexure-8.
ix	Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019; and	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9.
x	The correct and complete KML files of area to be diverted and the CA area shall be uploaded on the E-green watch portal with all the requisite details.	The DCF, Ballari Division vide Ref (5) has stated that there is no provision to upload the KML files of diverted area and the CA areas in e-green watch portal before Stage-II approval. However, the User Agency has uploaded the both KML files in Parivesh portal. Hence, the said kml files will be uploaded after the Stage-II approval on the E-green watch portal with all the requisite details.
B.	Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department and undertaking in this respect shall be submitted prior to stage-II approval:	
i.	The Legal status of the diverted forest land shall remain unchanged;	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9.
ii.	The Forest land will be handed over only after required non forest land for the project is handed over by the user agency;	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9.

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iii.	The Compensatory Afforestation shall be taken up by the Forest Department over 12.4724 ha. (Revised 6.6978 ha) non-forest land at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided. With provision for ten years on subsequent maintenance;	The User Agency has paid an amount of Rs.1,22,97,161/- towards the cost of raising Compensatory Afforestation for 6.6978 ha @ Rs.18,36,000/ha (<i>which includes the provision for ten years maintenance charges</i>) to Ad-hoc CAMPA through e-office challan dated 12-07-2023 vide UTR No. IBKLR92023071200003932 dt. 12.07.2023 [<i>included in total amount of Rs.2,55,26,011/-</i>]. Copies of Payment Page Print taken from FC Web portal is enclosed as Annexure-1.
iv	Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect;	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9.
v	User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9.
vi	Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9.

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vii	The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9 .
viii	No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of project work;	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9 .
ix	No labour camp shall be established on the forest land and 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 agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9 .
x	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 agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9 .
xi.	No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9 .
xii.	The forest land shall not be used for any purpose other than that specified in the project proposal;	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9 .
xiii.	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;	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9 .
xiv	No damage to the flora and fauna	The User Agency has agreed to comply

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	of the adjoining area shall be cause;	with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9.
xv	The layout plan of the mining plan/proposal shall not be changed without the prior approval of the Central Government.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9.
xvi	The concerned Divisional Forest Officer (DFO), will monitor and take necessary mitigative/Safeguard measures to ensure that there is no adverse impact on the forests in the surrounding area.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9.
xvii	The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that 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 agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9.
xviii	Any other condition that the Ministry of Environment, Forest and climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife shall be carried with by the State Government and user agency;	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9.
xix	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 regularly; and	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is enclosed as Annexure-9.
xx	The user agency shall comply all the provisions of all Acts, Rules, Regulations, Guidelines, Hon'ble	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. which is

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	Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.	enclosed as Annexure-9 .
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Under the above circumstances, **it is requested to move the matter with the Government of India, Ministry of Environment, Forests and Climate Change, New Delhi to consider according the final (Stage-II) approval for diversion of 6.6978 hectare of forest land [Revised from 12.4724 hectare] near Dhamapura village, Sandur Taluk, Ballari District for establishing closed Pipe Conveyor System from Ramanadurga Iron Ore Mine (RIOM ML No.2141) in favour of M/s Sri Kumaraswamy Mineral Exports Private Limited, Ballari with the condition that the non forest land provided for C.A should be declared as RF / PF before handing over the area for mining.**

The relevant documents in 3 sets are submitted here with for kind perusal and further action. The present status of the proposal obtained from the web-portal is also appended for necessary action.

Yours Faithfully,

Brijesh Kumar Dikshit, IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

1. Copy to the Chief Conservator of Forests, Ballari Circle, Ballari for information and necessary action.
2. Copy to the Deputy Conservator of Forests, Ballari Division, Ballari for information and you are directed to take necessary action for notification of Mutated Non-Forest land as mention in the condition No. A(ii) before handing over of the forest land and to submit the compliance w.r.t notification of mutated land as RF/PF to this office for further processing for Stage-II.
3. Copy to M/s Sri Kumaraswamy Mineral Exports Private Limited, No.462, 14th Ward, SMIORE Colony, Near Fire Station, Sandur, Ballari District – 583 119 for information and necessary action.