

I/614733/2024

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ
Office of the
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು - 560 003.
Aranya Bhavan, 18th Cross
Malleshwaram, Bengaluru-560 003
Telephone: 080 2334 6472
Email: apccffc@gmail.com

E-office File No. KFD/HOFF/A5-1(MNG)/43/2018-FC

E-80055

Date 28-05-2023

To,

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

Sir,

Sub: Diversion of 0.32 ha of Forest land to access existing Approach Road to ML No.2545 in Jaisingapura Village, Ramanamalai Forest Block, Sandur taluk Ballari District in favour of M/s. Lakshmi Minerals, Hospet
(**Proposal No. FP/KA/MIN/48654/2020 [FORM-A]**)

- Ref:**
1. Government of India, Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Bengaluru letter No. F.No. 4-KRB1348/2022-BAN/37 dated 06-04-2022 [Stage-I approval] and & 29-07-2022 [modification of condition No. A-2 of the stipulated Stage-I condition]
 2. This office letter of even number dated 09-09-2022 [seeking Condition-wise compliance from User Agency and Field officers]
 3. M/s Lakshmi Minerals, Hosapete letter dated 20-09-2023 [submission of compliance in respect of conditions of Stage-I approval to DCF, Ballari]
 4. Deputy Conservator of Forests, Ballari Division letter No. M1/MNG/Lakshmi/ML No. 2545/Road/2020-21 dated 23-11-2023 [Compliance Report in respect of conditions of Stage-I approval to CCF, Ballari Division]
 5. Chief Conservator of Forests, Ballari Circle letter No. M1/MNG/CR-08/2005-06 dated 02-12-2023 [Compliance Report in respect of conditions of Stage-I approval to this office]

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 0.32 ha of Forest land to access existing Approach Road to ML No.2545 in Jaisingapura Village, Ramanamalai Forest Block, Sandur taluk Ballari District in favour of M/s. Lakshmi Minerals, Hospet 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 (2) to submit the compliance.

In response, the User Agency vide Ref (3) has submitted the Compliance Report to the Deputy Conservator of Forests, Ballari Division, who after verification has vide Ref

I/614733/2024 (4) submitted the condition wise Compliance Report to the Chief Conservator of Forests, Ballari Circle who in turn has submitted the same to this office vide Ref (5).

Based on the reports received as above, the status of compliance to the conditions of Stage-I approval is as under.

Conditions stipulated in Stage-I approval dated 06-04-2022 [Stage-I approval] and & 29-07-2022 [modification of condition No. A-2 of the stipulated Stage-I condition]		Compliance
A. Conditions which need to be complied prior to handing over of forest land by the State Forest Department		
1	The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the guideline issued by Ministry vide letter No.5-3/2011-FC (Vol-I) dated 06.01.2022. The requisite funds shall be transferred through online portal into CAMPA account of the concerned.	The User Agency has paid an amount of Rs. 3,93,149/- for 0.32 ha @ Rs.12,28,590/- per ha towards NPV charges to Ad-hoc CAMPA through e-payment portal (<i>Transaction date 19-10-2023</i>) vide e-payment challan dated 18-10-2023 [<i>Included in total amount of Rs.12,67,228/-</i>]. Print of Payment Page taken from FC Web portal is enclosed at Annexure-1
2	The identified non forest land of 0.32 ha. in Sy No. 92, Kallahalli village, Hosapete Taluk for raising Compensatory Afforestation (CA) shall be transferred and mutated in the name of forest department and notified as RF/PF prior to Stage-II approval.	The User Agency has identified CA land in Sy. Nos. 92 of Kallahalli Village, Hospet Taluk of Vijayanagara District over an extent of 0.32 hectares. The said land was mutated in favour of Forests Department. Documents related to CA land like, Sale deed, RTC & Mutation Register are enclosed in Annexure-2. The Deputy Conservator of Forests, Ballari Division, Ballari has requested the Deputy Conservator of Forests, Vijayanagara Division, Hospete to take necessary action for notification of provided non-forest land (CA land) as RF/PF on 31-10-2023 (Annexure-2). Further, the Deputy Conservator of Forests, Vijayanagara Division, Hospete is being informed again to take necessary action for notification as RF/PF for the above CA lands and submit the same.

I/614733/2024

3	The User Agency shall transfer the cost of raising and maintaining the Forest compensatory afforestation at the current wage rate in consultation with State Department in the account of CAMPA of the concerned State online portal. The through scheme may include demarcation of CA land using chain fencing with provision for link planting of tall plants, watering and SMC works and appropriate provision for anticipated cost increase for works scheduled for subsequent years	The User Agency has paid an amount of Rs. 8,74,079/- i.e., out of which Rs. 5,87,520/- @ Rs.18,36,000/- per ha is towards payment for Compensatory Afforestation charges and Rs. 2,86,559/- @ Rs.8,95,496.07/- per ha is towards payment for Watering charges for an extent of 0.32 ha vide e-office challan dated 18-10-2022. Copy of Payment Page Print taken from FC Web portal is enclosed as Annexure-1.
4	All the funds received from the user agency under the project shall transferred / deposited in CAMPA account only through e-portal (https://parivesh.nic.in). Amount deposited through other mode will not be accepted as a compliance of the Stage-I clearance.	The User Agency has made the above mentioned payment towards Compensatory levies to Ad-hoc CAMPA through e-payment portal. Copy of Status of Payment Page taken from FC Web Portal is enclosed. Annexure-1.
5	The KML file of the area diverted, SMC works and CA area shall be uploaded on the e-green watch portal with all requisite details and same shall be submitted along with compliance report	The DCF, Ballari Division vide letter dated 23-11-2023 has specified that there is no provision for uploading of the KML file of the forest land diversion and CA land in the e-green watch portal before Stage-II approval. However, the User Agency has uploaded both the KML files in Parivesh portal.
6	The compliance report shall be uploaded on e-portal (https://parivesh.nic.in).	The User Agency has uploaded the compliance report on e-portal (https://parivesh.nic.in).
7	The State Government shall complete settlement of right, in term of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) 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 dated 3 rd August 2009 read with 05-07-2013 with necessary enclosures.in support thereof.	The User Agency has obtained FRA certificate in FORM-I (for Linear projects) from the Deputy Commissioner, Ballari vide No. BLR-DC-33011/6/2020-BLRDC_FOREST-BALLARI-DC dated 04.11.2021. The same is hereby enclosed with all its Annexures [1 to 3 of FRA certificate with also English translated version of the same] as Annexure-3.

I/614733/2024

8	The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the direction of concerned Deputy Conservator of Forests, officer.	The User Agency has demarcated the boundary on the ground at their own 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. Photographs are enclosed at Annexure-4.
9	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.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-5.
B	Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:	
1	Legal status of the diverted forest land shall remain unchanged	Legal status of the forest land will remain unchanged and will continue to be forest land even after the diversion. It will be monitored by the Forest Department. Moreover, the User Agency has submitted an Undertaking in this regard which is enclosed at Annexure-6.
2	Compensatory Afforestation shall be raised over equal identified CA land within three years from the date of Stage -II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare shall be planted over identified CA land. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in degraded forest area as per prescriptions of approved working plan with provision for subsequent maintenance of ten years.	The User Agency has identified non-forest land in Sy. Nos. 92 of Kallahalli Village, Hospet Taluk of Vijayanagara District over an extent of 0.32 hectares. The said area has been transferred and mutated in favour of Forest Department. RTC & Mutation copies are enclosed as Annexure-2.

I/614733/2024

3	At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency <i>shall</i> furnish an undertaking to 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 agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-7.
4	User Agency shall obtain the Environmental Clearance as per the <i>provisions of the</i> Environment (Protection) Act, 1986, if applicable.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-8.
5	The period of diversion under this approval shall be co-terminus with the period of mining lease granted in favour of the user agency or the project life, whichever is less.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-9.
6	The total forest area utilized for the approach road shall not exceed 0.32 ha	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-10.
7	No labour camp shall be established on the forest land.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-11.
8	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. Annexure-12.
9	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. Annexure-13.
10	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. Annexure-14.
11	No damage to the flora and fauna of the adjoining area shall be caused	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-15.
12	The layout plan of the approach road 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. Annexure-16.
13	The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.	The DCF, Ballari Division vide letter dated 23-11-2023 has specified that there it will be monitored and necessary mitigative measures will be taken to ensure that there is no adverse impact on the forests in the surrounding area.

I/614733/2024

14	The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government and Integrated Regional Office, Bangalore by the end of March every year.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-17.
15	The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-18.

In view of the above-mentioned compliance to conditions of Stage-I approval as reported by the field officers, **it is requested to accord the final (Stage-II) approval for diversion of 0.32 ha of Forest land to access existing Approach Road to ML No.2545 in Jaisingapura Village, Ramanamalai Forest Block, Sandur taluk Ballari District in favour of M/s. Lakshmi Minerals, Hospet for a period co-terminus with the mining lease granted under MMDR Act.**

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,

Signed by

Brijesh Kumar

Date: 01-06-2024 14:58:11
(Brijesh Kumar IPS)

Principal Chief Conservator of Forests
(Forest Conservation) and Nodal Officer (FCA)

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. 2 and submit the compliance of the same to this office for further processing for Stage-II.**
3. Copy to the Deputy Conservator of Forests, Vijayanagara Division, Vijayanagara for information and you are directed to **take necessary action for notification of Mutated Non-Forest land as mention in the condition No. 2 and submit the compliance of the same to this office for further processing for Stage-II.**
4. Copy to M/s Lakshmi Minerals, No.601, 7th Main, Near Balanjaneya Temple, M.J. Nagar, Hospete Ballari District-583 201.