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GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡ ರಸ್ತೆ
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Old File No A5(1)/MNG/CR-15/2017-18

E-76276

E-office File No. KFD/HOFF/A5-1(MNG)/23/2019-FC

Date -12-2024

To,

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

Sir,

Sub: Diversion of 2.4314 hectare of forest land in Deogiri Swamimalai (SM) Forest Block in Sandur Taluk, Ballari District for establishing Downhill Conveyor Pipe System (DCS) from Kammathuru Iron Ore Mine (ML No. 2678 old No. 2580/1179) to PMBR (BMM) siding in favour of M/s Sandur Manganese and Iron Ores Limited (SMIORE), Lakshmipur, Sandur Taluk, Ballari District

Proposal No. FP/KA/Others/31165/2018 [Stage-I approved]

- Ref:**
1. Government of India, Ministry of Environment, Forest & Climate Change, Forest Conservation Division, New Delhi letter F.No.8-17/1994FC (VoL) dated 15-10-2019 [Stage-I approval]
 2. This office letter of even number dated 20-11-2019 [seeking Condition-wise compliance from User Agency and Field officers] r/w letter dated 17-03-2023 [communication of in-complete compliance to DCF, Ballari Division]
 3. M/s Sandur Manganese and Iron Ores Ltd (SMIORE), Sandur, Ballari letter No. SMIORE/MN/220513/01 dated 12-05-2022 [revised compliance report in respect of conditions of Stage-I approval] and letter dated 27-08-2024, 21-11-2024 & 22-11-2024
 4. Deputy Conservator of Forests, Ballari Division letter No. M1/MNG/SMIORE/Conveyor belt/2018-19/1421 dated 16-01-2023 [Compliance Report in respect of conditions of Stage-I approval] and letter dated 25-11-2024 & 28-11-2024 [submission of point wise information sought by this office vide letter dated 17-03-2023]
 5. Chief Conservator of Forests, Ballari Circle letter M1/MNG/SMIORE/Conveyor/CR- /2022-23/2864 dated 31-01-2023 [Compliance Report in respect of conditions of Stage-I

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approval] and letter dated 28-11-2024 [submission of point wise information sought by this office vide letter dated 17-03-2024]

The Government of India, Ministry of Environment, Forests and Climate Change, Bengaluru vide Ref (1) has accorded 'in-principle' (Stage-I) approval for FC renewal involving diversion of 2.4314 hectare of forest land in Deogiri Swamimalai (SM) Forest Block in Sandur Taluk, Ballari District for establishing Downhill Conveyor Pipe System (DCS) from Kammathuru Iron Ore Mine (ML No. 2678 old No. 2580/1179) to PMBR (BMM) siding in favour of M/s Sandur Manganese and Iron Ores Limited (SMIORE), Lakshmipur, Sandur Taluk, 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 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 (4) 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 (5).

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 15-10-2019		Compliance
i.	Legal status of the diverted forest land shall remain unchanged.	Legal status of the forest land will be unchanged and continues to be forest land even after the diversion. It will be monitored by the Forest Department in future. Moreover, the User Agency has submitted an Undertaking in this regard which is enclosed as Annexure-I .
ii.	Forest land will be handed over only after required non-forest land for the project is handed over by the user agency	<ul style="list-style-type: none"> The User Agency initially proposed a government land as CA land in PART-I of the proposal in Sy No. 106 D of Tumati Village, Sandur Taluk, Ballari District over an extent of 2.45 ha for raising CA. It was objected to by this office as the proposed CA land was not in conformity of the provisions of GOK order dated 31-08-2016 regarding CA lands to be proposed in private party FC proposals. However, in view of urgency of processing of the proposal in the light of Supreme Court Order dated 07-12-2017 with respect to short time limit given for specified six (6) Conveyor Belt proposals

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		<p>under Forest (Conservation) Act 1980, the proposal was submitted to Government of Karnataka & Government of India duly highlighting the ineligibility of proposed CA land.</p> <ul style="list-style-type: none"> Hence, after Stage-I approval, the User Agency had identified and uploaded the CA land details of Sy No. 67/1, 67/B & 67/C1 of Bandralu village, Siruguppa Taluk, Ballari District over an extent of 6.040 ha on Parivesh web-portal. Further, due to legal problem with the land owner, could not purchase the said land also not mutated in the name of Forest Department. Now, the User Agency has identified alternate non-forest land (Private land) at Gudekote Village in Sy No. 536, Gudekote Hobli, Kudligi Taluk, Vijayanagara District over an extent of 2.448 Ha. which has been registered vide document No. KDL-1-05131/21-22 dated 04-03-2022 and mutated vide mutation No. MR H28/2021-22 dated 05-04-2022 in the name of Forest Department. <p>Copies of mutation register, RTC, encumbrance certificate, suitability certificate, KML file (in CD) and maps are enclosed as Annexure-II.</p> <p>Further, as per revised suitability issued by the Deputy Conservator of Forests, Vijayanagara Division degraded forest identified in Sy No. 48 of Kasapura Village, Gudekote Range, Vijayanagara District for raising of Compensatory Afforestation against the project.</p> <p>Copies of mutation register, RTC, encumbrance certificate, suitability certificate, KML file (in CD) and maps are enclosed as Annexure-IIa.</p>
iii.	Compensatory afforestation over the non-forest land equal in extent to the forest land being diverted shall be raised by the	The User Agency has paid an amount of Rs. 44,64,050/- for 2.4314 ha @ 18,36,000/- towards CA charges to Ad-hoc CAMPA through e-payment portal which is as follows.

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	Forest Department within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter as per approved plan by the State Forest Department at the cost of the user agency.	<p>a. vide e-office challan dated 17-12-2019 for Rs. 28,20,424/- <i>[Included in total amount of Rs. 47,72,838].</i></p> <p>b. vide e-office challan dated 02-09-2020 for Rs. 110,52,796/-.</p> <p>c. vide e-office challan dated 16-09-2022 for Rs. 5,90,830/-</p> <p>Copy of Payment Page Print taken from FC Web portal is enclosed ANNEXURE-III a, III b and III c.</p>
iv.	State Government shall submit the complete reply on the shortcomings prior to Stage-II approval	Compliance report for all the conditions stipulated in Stage-I approval is submitting herewith.
v.	State Govt shall submit the complete CA Scheme duly approved by the competent authority in the State Govt. and commensurate funds shall be deposited in CAMPA account	<p>Complete CA Scheme duly approved by the competent authority is enclosed as Annexure-II and II a.</p> <p>The User Agency has made 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-III a, III b and III c.</p> <p>Further, the Deputy Conservator of Forests, Ballari Division has raised the Demand Notice as per Para No. 1.22 (i) of Chapter-1 of the Consolidated Guidelines and Clarification issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for remittance of cost of implementation of the Wildlife Management Plan and the Soil and Moisture Conservation Plan.</p> <p>Accordingly, User Agency has paid an amount of Rs.46,33,589/- i.e., 2% of total project cost towards the cost of implementation of the Wildlife Management Plan and Rs.37,06,871/- i.e., 0.5% of the project cost towards the cost of implementation of Soil and Moisture Conservation Plan. Total Rs. 9,26,718/- vide e-office challan dated 21-11-2024.</p>

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		<p>Copy of Payment Page Print taken from FC Web portal is enclosed as Annexure-III d.</p> <p><i>[Note: The user agency has been directed by the DCF Ballari Division vide demand notice dated 15-10-2024 to submit the Wildlife Management Plan and Soil and Moisture Conservation Plan and to obtain approval for the same by the competent authority. However, the same has to be submitted by the user agency]</i></p>
vi.	The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50000 scale	The CA depicted on a Survey of India topo sheet of 1:50000 scale and enclosed herewith as Annexure-IV.
vii.	The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in the name of forest department and notified as RF/PF prior to Stage II approval	<p>The User Agency has identified CA land in Sy.No.536 of Gudekote Village, Kudligi Taluk, Vijayanagara District over an extent of 2.448 Ha. The said land has been transferred and mutated in name of Forest Department vide Mutation No. MR H28/2021-22 dated.05.04.2022. Copy of the Sale deed, RTC & Mutation are enclosed as Annexure-II.</p> <p>The Deputy Conservator of Forests, Vijayanagara Division has submitted the proposal for declaration under section-33 of Karnataka Forest Act, 1963 in respect of CA land given by M/s SMIORE Limited to the Deputy Conservator of Forests, Working Plan and Survey, Ballari. Further, the Deputy Conservator of Forests, Working Plan and Survey, Ballari has submitted the proposal to the Additional Principal Chief Conservation of Forests (Working Plan), Bangalore vide letter No. E5/Sec-33/CR-29/2023-24 dated 15-11-2024. Hence, APCCF (WP) is under process for sending the proposal to the Government of Karnataka for notifying it as RF/PF.</p>
viii.	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	The User Agency has already paid the cost of Compensatory Afforestation including maintenance charge for 10 years with appropriate provision for anticipated cost increase for works scheduled for subsequent years to Ad-hoc CAMPA through e-payment portal. Copy of Status of Payment Page

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	deposited in advance with the Forest Department by the project authority. The CA shall be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years	taken from FC Web Portal is enclosed. Annexure-III a, III b, III c and III d.
ix.	The State Government shall charge the Net Present Value (NPV) for the forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard	<p>The UA has paid an amount of Rs.29,87,194/- towards NPV charges for 2.4314 ha @ Rs.12,28,590/ha in two instalments as follows.</p> <ol style="list-style-type: none"> 1. vide e-office challan dated 17-12-2019 for Rs. 19,52,414/- <i>[Included in total amount of Rs. 47,72,838/-]</i>. 2. vide e-office challan dated 21-11-2024 for Rs.10,34,780/- <i>[Included in total amount of Rs. 80,25,438/-]</i> <p>Copy of Payment Page Print taken from FC Web portal is enclosed Annexure-III a and III d.</p>
x.	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. Annexure-V.
xi.	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 User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-VI.

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	the cost of felling of trees shall be deposited by the User agency with the State Forest Department.	
xii.	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-VII.
xiii.	All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal (http://parivesh.nic.in/)	The User Agency has made 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- III a, III b, III c and III d.
xiv.	The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector	The User Agency has obtained FRA certificates in FORM-I (for linear projects) from the Deputy Commissioner, Ballari vide letter No. Rev/Mining/FRA/02/2019-20 dated 30-04-2019 for extant of 2.4314 ha (Downhill Conveyor Pipe System (DCS)) enclosed as Annexure-VIII.
xv.	User agency shall raise strip plantation on both sides of conveyor belt	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-IX.
xvi.	User agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.	The Deputy Conservator of Forests, Ballari Division vide letter dated 16-01-2023 has specified that the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986 is not applicable for this proposal. However, the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-X.
xvii.	The layout plan of the proposal shall not be changed without prior approval of Central Government	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-XI.
xviii.	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-XII.
xix.	Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-XIII.

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	any other legal source of alternate fuel	
xx.	The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer	The User Agency has demarcated the boundary of diverted forest land on ground by erecting four feet high reinforced cement concrete pillars, each inscribed with serial number, GPS readings and distance from pillar to pillar. The photographs of boundary pillars are attached in Annexure-XIV .
xxi.	The period of diversion under this approval shall be co-terminus with the period of lease to be 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-XV .
xxii.	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-XVI .
xxiii.	The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-XVII .
xxiv.	Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per para 1.21 of Comprehensive Guidelines issued vide this Ministry's F. No. 5-2/2017 dated 28 March 2019	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-XVIII .
xxv.	Any other condition that the MoEF&CC may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. Annexure-XIX .
xxvi.	The compliance report shall be uploaded on e-portal (http://parivesh.nic.in/)	The User Agency has uploaded the Compliance Report on e-portal and submitted the hard copy to this office.

Under the above circumstances, **it is requested to move the matter with the Government of India, Ministry of Environment, Forests and Climate Change, New**

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Delhi to consider according the final (Stage-II) approval for FC renewal involving diversion of 2.4314 hectare of forest land in Deogiri Swamimalai (SM) Forest Block in Sandur Taluk, Ballari District for establishing Downhill Conveyor Pipe System (DCS) from Kammathuru Iron Ore Mine (ML No. 2678 old No. 2580/1179) to PMBR (BMM) siding in favour of M/s Sandur Manganese and Iron Ores Limited (SMIORE), Lakshmipur, Sandur Taluk, Ballari District under Section 2 of the Forest (Conservation) Act, 1980 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

(Brijesh Kumar IFS)

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

1. Copy to the Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. Copy to the Deputy Conservator of Forests, Ballari Division, Ballari for information.
3. Copy to M/s Sandur Manganese and Iron Ores Ltd (SMIORE), D.No. 266 (Old No.80), Behind Taluk Office, Ward No.1, Palace Road, Sandur, Ballari District - 583 119 for information.