

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

Office of

Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,

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Old file No:A5(1).MNG.CR-12/2016-17 &

E-office file No. KFD/HOFF/A5-1(MNG)/25/2018-FC

E – 63740

Date 06-01-2022

Incl: 3 sets

TO

To,

The Additional Chief Secretary to Government
Department of Forest, Ecology and Environment
M. S. Building, Bengaluru.

Sir,

Sub: Diversion of 4.74 hectare of forest land in DM Block, Sandur Taluk, Ballari District for use of existing approach road to ML No. 2366 in favour of M/s JSW Steel Ltd., Ballari -reg.

Online Proposal No. FP/KA/ROAD/21837/2016

- Ref:
1. Government of India, Ministry of Environment, Forest and Climate Change, New Delhi Letter F. No.8-112/2000 FC- (Vol) dated 19-12-2017 [Stage-I approval]
 2. This office letter of even No. dated: 17-01-2018, 02-02-2019 & 12-11-2021
 3. Deputy Conservator of Forests, Ballari Division, Ballari letter No. M1/MNG/TUNGA/M.L.No.2366/2017-18 dated 25-10-2018
 4. Chief Conservator of Forests, Ballari Circle, Ballari Letter No. M1/MNG/JSW/TRF/ML2366(0004)/CR-12/2016-17 dated 14-11-2018 and 04-10-2021 [submitted compliance report to this office]
 5. e-mail dated 01-01-2022 of M/s JSW Steel Limited, Bengaluru

Government of India, Ministry of Environment, Forest and Climate Change vide letter dated 19-12-2017 (ref-1) had accorded 'in-principle' (Stage-I) approval for diversion of 4.74 hectare of forest land in DM Block, Sandur Taluk, Ballari District for use of existing approach road to ML No. 2366 of M/s JSW Steel Ltd., Ballari District and directed to submit compliance report on the conditions stipulated therein.

Now, the complete compliance to the conditions stipulated in the 'in-principle' (Stage-I) approval after verification has been received from the field officers (ref-3 & 4). It is found that the Deputy Conservator of Forests, Ballari Division has issued demand notice for payment of differential CA charges and the User Agency has deposited the CA differential charges vide ref (5). The compliance to the Stage-I approval conditions is as below.

Sl. No.	Conditions stipulated in Stage-I approval dated 19-12-2017	Status of Compliance
i	Legal status of the diverted forest land shall remain unchanged;	The legal status of the Forest land remains as a forest land only.
ii	Compensatory afforestation over the non-forest land, equal in extent to the forest land being diverted, 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.	<p>The user Agency has made the payment towards raising of compensatory afforestation on non-forest land through online challan. The amount has been transferred through NEFT/RTGS.</p> <p>The UA has paid an amount of Rs.14,22,000/- towards CA cost in two instalments as follows:</p> <ol style="list-style-type: none"> 1. Rs. 12,89,280/- to ad-hoc CAMPA on 14-02-2018 through e-payment portal vide UTR No. VIJBH18045087787. (out of total amount of Rs.54,17,820/-) 2. Rs.1,32,720/- to ad-hoc CAMPA on 31-07-2018 through e-payment portal vide UTR No. VIJBH18212061339. (out of total amount of Rs.1,65,900/-) 3. 767880/- to Ad-hoc CAMPA on 25-11-2021 through e-payment portal vide UTR No.IBKLR92021121600011521 (out of total amount of Rs.83,84,601/-). <p>Copies of (i) payment page print taken from FC web portal (ii) payment confirmation issued by bank is at [ANNEXURE-1].</p>
iii	The UA has identified non-forest	The User Agency had earlier

	<p>land in Sy.No.74/1 of Thimalapura Village, Lingasuguru taluk, Raichur District over an extent of (11.71 acres) 4.74 hectares for raising CA. The non- forest land so identified shall be mutated and transferred to the Forest Department before stage-II clearance. The CA shall be revised and at least 1000 plants per hectare of diverted land (4.74 hectares x 1000 plants per ha. 4740 plants) shall be planted over identified non- forest land. If it is not possible to plant all these seedlings in the identified CA land, the balance seedlings will be planted in any degraded Forest as per prescription of working plan. The state Government will intimate the name of the forest and under which working plan the operations is being taken up.</p>	<p>identified non-forest land in Sy.No.74/1 of Thimalapura village, Lingasuguru Taluk, Raichur District over an extent of (11.71 acres) 4.74 ha for raising CA. However, the UA has reported that they are unable to transfer this land because of certain issues and hence alternate non forest land in Sy. No. 412/B 2.14 ha Sy No. 412/C 0.38 ha Sy no. 413/A 1.99 ha Sy No. 413/B 0.23 total 4.74 ha in Belagallu Village, Ballari Taluk and District was identified, mutated and transferred in the name of Forest Department.</p> <p>Copies of mutation register, RTC, encumbrance certificate, suitability certificate and map are enclosed [ANNEXURE -2, 2A, 2B, 2C & 2D].</p>
iv	<p>25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.</p>	<p>The UA has paid an amount of Rs.3,55,500/- towards SMC works @ 25% of CA cost in two instalments as follows:</p> <ol style="list-style-type: none"> 1. Rs.3,22,320/- to Ad-hoc CAMPA on 14-02-2018 through e-payment portal vide UTR No.VIJBH18045087787. (out of total amount of Rs. 54,17,820/-) 2. Rs.33,180/- on 31-07-2018 to Ad-hoc CAMPA through e-payment portal (out of total amount of Rs.1,65,900/-). 3. Rs.1,91,970/- on 25-11-2021 to Ad-hoc CAMPA through e-payment portal vide UTR No. No.IBKLR92021121600011521 (out of total amount of Rs.83,84,601/-).

		Copies of (i) payment page print taken from FC web portal (ii) payment confirmation issued by bank is at [ANNEXURE-1]
v	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 sketch demarcated on topo-sheet in 1:50000 scale of the CA land. Copy enclosed [ANNEXURE-3]
vi	The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act 1927 latest within a period of six months from the date of issue of Stage-II approval.	The State Forest Department will take the necessary action for declaring as Reserve Forest / PF under KFA-1963.
vii	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.	<p>Complied. The UA has deposited an amount of Rs.21,89,880/- towards CA cost and the same is transferred to Ad-hoc CAMPA account as follows:</p> <ol style="list-style-type: none"> 1. Rs. 12,89,280/- to ad-hoc CAMPA on 14-02-2018 through e-payment portal vide UTR No. VIJBH18045087787. (out of total amount of Rs.54,17,820/-) 2. Rs.1,32,720/- to ad-hoc CAMPA on 31-07-2018 through e-payment portal vide UTR No. VIJBH18212061339. (out of total amount of Rs.1,65,900/-) 3. Rs.7,67,880/- to Ad-hoc CAMPA on 25-11-2021 through e-payment vide UTR No. No.IBKLR92021121600011521 (out of total amount of Rs.83,84,601/-). <p>Copies of (i) payment page print taken from FC web portal (ii) payment confirmation issued by</p>

		bank is at [ANNEXURE-1]
viii	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 1) No. 202/t 995 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;	<p>Complied. The UA has deposited an amount of Rs.38,06,220/- towards NPV cost and the same is transferred to Ad-hoc CAMPA account as follows:</p> <p>Payment confirmation issued by Vijaya Bank vide UTR No. VIJBH18045087787 dated 14-02-2018.</p> <p>Copy of payment page print taken from FC web-portal is enclosed vide [ANNEXURE-1].</p>
ix	Any fund received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone shall be transferred through online portal into Ad-hoc CAMP A account of the State concerned.	The user agency has made the payments and have been transferred to Ad-hoc CAMPA Account.
x	The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;	As per the EIA Notification, 2006, the project category does not attract environment clearance (EC).
xi	No labour camp shall be established on the forestland;	The user agency has submitted undertaking in this regard [ANNEXURE-4]
xii	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 submitted undertaking in this regard [ANNEXURE-5]
xiii	The boundary of the diverted forestland as applicable shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each	The User Agency has erected four feet height reinforced cement concrete pillars, each inscribed with its serial number, forward and backward bearings, distance from pillar to pillar and GPS co-ordinates.

	inscribed with its serial number, forward and back bearing, distance from pillar to pillar and GPS Co-ordinates.	Copy is enclosed along with photo [ANNEXURE-6]
xiv	The layout plan of the proposal shall not be changed without the prior approval of the Central Government.	The user agency has submitted undertaking in this regard [ANNEXURE-7]
xv	The forestland shall not be used for any purpose other than that specified in the proposal.	The user agency has submitted undertaking in this regard [ANNEXURE-8]
xvi	The forestland 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 submitted undertaking in this regard [ANNEXURE-9]
xvii	No damage to the flora and fauna of the adjoining area shall be caused.	The user agency has submitted undertaking in this regard [ANNEXURE-10]
xvii i	Felling of trees on the forestland being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department.	The user agency has submitted undertaking in this regard [ANNEXURE-11]
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 TRC-SP-2 1-2009 (Guidelines on landscaping & Tree plantation), on either sides of the road before final clearance.	The user agency has submitted undertaking in this regard along with copy of the strip plantation design and map [ANNEXURE-12]
xx	Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along roads within the area diverted	The user agency has submitted undertaking in this regard [ANNEXURE-13]

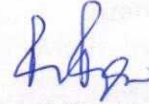
	under this approval, in consultation with the State Forest Department at the project cost.	
xxi	Overburden shall not be dumped outside the width of the road. The muck generated in the earth cutting will be disposed off at the designate dumping sites and in no case; the Muck/debris shall be allowed to roll down the hill slopes.	The user agency has submitted undertaking in this regard [ANNEXURE-14]
xxii	The User Agency will provide retaining walls, breast wall and drainage as per requirement to make the slope stable.	The user agency has submitted undertaking in this regard [ANNEXURE-15]
xxii i	The State Government shall complete settlement of rights in terms of the Scheduled Tribes and Other Traditional Forest Dweller (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 05h July, 2013, in support thereof.	The user agency has submitted Form-I under Scheduled Tribes and other Forest Dwellers (Recognition of Forest Rights) Act, 2006 for the forest land to be diverted. Details are provided as [ANNEXURE-16]
xxi v	The User Agency shall not collect any toll from the vehicles carrying forest officers on duty;	The user agency has submitted an undertaking in this regard [ANNEXURE-17].
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;	The user agency has given an undertaking to implement this condition [ANNEXURE-18].
xxv i	Proper drainage shall be built with engineering structures all along the road, as suggested in	The user agency has given an undertaking to implement this condition [ANNEXURE-19].

	the inspection report;	
xxv ii	Avenue plantation shall be beraised and maintained at the cost of user agency;	The user agency has given an undertaking to implement this condition [ANNEXURE-20].
xxv iii	Fugitive dust emissions shall be controlled by making water spraying arrangements on the road;	The user agency has given an undertaking to implement this condition [ANNEXURE-21].
xxi x	The user agency shall have only the right of way and the control over the road shall remain with the forest department.	The user agency has given an undertaking to implement this condition [ANNEXURE-22].
xxx	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;	The user agency has given an undertaking to implement this condition [ANNEXURE-23].
xxx i	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	The user agency has and given undertaking to this [ANNEXURE-24].
xxx ii	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.	The user agency has given an undertaking to this effect [ANNEXURE-25].

Under the above circumstances, it is requested to move the matter with the Government of India, Ministry of Environment, Forest and Climate Change, New Delhi to accord final approval (Stage-II) for diversion of 4.74 hectare of forest land in DM Block, Sandur Taluk, Ballari District for use of existing approach road to ML No. 2366 in favour of M/s JSW Steel Ltd., Toranagallu, Ballari District under Section '2' of Forest (Conservation) Act, 1980 for a period co-terminus with the

mining lease period granted under MMDR Act as approved by Government of India vide letter F.No.8-112/2000-FC dated 18-08-2017 in respect of mining lease No.2366.

Yours faithfully,



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



Copy to the Chief Conservator of Forests, Ballari Circle, Ballari for information and necessary action.

Copy to the Deputy Conservator of Forests, Ballari Division, Ballari for information and necessary action.

Copy to M/s JSW Steel Ltd. Vijayanagara works, P.O. Vidyanagar, Toranagallu – 583 275, Sandur Taluk, Ballari District for information and necessary action.