

Subject : Diversion of 0.604 ha. of forest area proposed for Downhill Pipe Conveyor (DHPC) for Bhadra Iron Ore Mine ML No. 2365 and Tunga Iron Ore Mine ML No. 2366

1. The State Government of Karnataka vide their letter no. **FEE 28 FFM2018** and date **20.08.2018** submitted the above mentioned proposal to obtain prior approval of central Government, in accordance with Section-2 of the Forest(Conservation)Act,1980.

2. Details indicated in the proposal submitted by the Government of Karnataka are as below

FACT SHEET

| | | | |
|--|--|--|-----------------------------|
| 1. | Project Details | | |
| (i) | Proposal No | FP/KA/Others/27706/2017 | |
| (ii) | Name of the Proposal | Diversion of 0.604 ha. of forest area proposed for Downhill Pipe Conveyor (DHPC) for Bhadra Iron Ore Mine ML No. 2365 and Tunga Iron Ore Mine ML No. 2366 | |
| (iii) | Short Narrative of the proposal and Project/scheme for which the forest land is Required | Bhadra Iron Ore Mine ML No. 2365 and Tunga Iron Ore Mine ML No. 2366 have been auctioned and allocated to M/s. JSW Steel Ltd., Vijayanagar Works, Bellary after the C-Category Mine E-auction held on 04.10.2016. Both the Mining leases are spreaded over 130.53 ha. and 33.21 ha. in the Donimalai Block R | |
| (iv) | Category | Others | |
| (v) | Total Area of the Forest Land (in ha.): | 0.604 | |
| (vi) | Total period for which the forest land is proposed to be diverted(in years) | 50 | |
| 2. | Location: | | |
| (i) | State | Karnataka | |
| (ii) | District | Bellary | |
| 3. | Detail of user agency | | |
| (i) | Name of the user agency | JSW STEEL LIMITED | |
| (ii) | Shape of forest land proposed to be diverted | Linear | |
| (iii) | Legal status of User Agency | Private | |
| 4. Legal status of forest land proposed for diversion | | | |
| S. No. | Division | Forest Land(ha.) | Legal Status |
| 1 | Bellary | 0.604 | Section 4 |
| 5. Land use plan | | | |
| Component wise breakup | | | |
| S.no | Component | Forest Land(ha.) | Non-Forest Land(ha.) |
| 1 | DHPC outside ML 2365 to Sy. No. 121 | 0.6039999996 | 3.923599992 |
| 6. Vegetation | | | |

| (i) | Species-wise and diameter class wise enumeration of trees | | | | | | | |
|--------|---|------------|---|------------|------------|-------------|--------------|-----------|
| S. No. | Scientific Name | Local Name | (0-30)cm. | (31-60)cm. | (61-90)cm. | (91-120)cm. | (121-150)cm. | (>150)cm. |
| 1 | Grewia Tiliaefolia | Jani | 3 | 0 | 0 | 0 | 0 | |
| 2 | Hardwickia Binnata | Kamara | 1 | 0 | 0 | 0 | 0 | |
| 3 | Others | others | 18 | | | | | |
| (ii) | Density of Vegetation | | 0.01 | | | | | |
| (iii) | Eco Class | | Eco 3 | | | | | |
| (iv) | Total numbers of trees to be filled | | 22 | | | | | |
| (v) | Total Tree to be retained . | | Less than 60(in cm.) : 22 Greater than 60(in cm.): 0 | | | | | |
| 7. | Vulnerability of area to soil erosion | | The proposed area is having steep slope with vegetation, due to project every chances of vulnerability of the forest area to erosion. Hence, the user agency is required to take up | | | | | |
| 8. | Approximate distance of proposed site for diversion from boundry of forest (in Km.) | | 0.00 | | | | | |
| 9. | Significance of the forest land proposed for diversion from wildlife point of view | | | | | | | |
| (i) | Details of wildlife present in and around the forest land proposed for diversion | | Wild bore, Panthers, Peacocks and Others | | | | | |
| (ii) | Whether forms part of national park, wildlife sanctuary, biosphere reserve,tiger reserve, elephant corridor, wildlife migration corridor etc. | | No | | | | | |
| (iii) | Whether the forest land proposed for diversion is located within eco-sensitive zone(ESZ) of the Protected Area notified under Wildlife(Protection) Act,1972 (Note: In case, ESZ of a Protected Area is not notified,then,10kms distance from boundary of the Protected Area should be treated as ESZ):: | | No | | | | | |
| (iv) | Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within 1 Km. from boundary of the forest land proposed for diversion : | | No | | | | | |
| (v) | Whether any rare/endangered/unique species of flora and fauna found in the area : | | No | | | | | |
| 10. | Whether any protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area. if so, the details thereof with NOC from competent authority, ifrequired. | | No | | | | | |

| 11. | Whether the requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project.if no,recommended area item-wise with detailes of alternatives examined. | yes. pg. 57/c | | | | | | | | | | | | | | | | | | |
|--------------------|---|---------------|--------------------|--------|----------------|--|--|--|------|-----------|-----------|---------------|-------|----------------|---|---|-------|--------|--------|--------|
| 12. | Whether any work in violation of the Act has been carried out(yes/No).if yes,details of the same including of the work done,action taken on erring officials. Whether work in violation is still under progress. | No | | | | | | | | | | | | | | | | | | |
| 13. | Details of compensatory afforestation scheme | | | | | | | | | | | | | | | | | | | |
| (i) | Patch wise details of non-forest or Revenue forest land to be provided by User Agency for CA | | | | | | | | | | | | | | | | | | | |
| | No Data | | | | | | | | | | | | | | | | | | | |
| (ii) | Patch wise details for Degraded Area (To be earmarked by DFO) | | | | | | | | | | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th colspan="6">Patch Wise Details</th> </tr> <tr> <th>S.no</th> <th>Patch No.</th> <th>Area(ha.)</th> <th>Name of PF/RF</th> <th>Range</th> <th>Compartment No</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1</td> <td>0.604</td> <td>Others</td> <td>Hospet</td> <td>10A/a1</td> </tr> </tbody> </table> | | Patch Wise Details | | | | | | S.no | Patch No. | Area(ha.) | Name of PF/RF | Range | Compartment No | 1 | 1 | 0.604 | Others | Hospet | 10A/a1 |
| Patch Wise Details | | | | | | | | | | | | | | | | | | | | |
| S.no | Patch No. | Area(ha.) | Name of PF/RF | Range | Compartment No | | | | | | | | | | | | | | | |
| 1 | 1 | 0.604 | Others | Hospet | 10A/a1 | | | | | | | | | | | | | | | |
| (iii) | Total Financial Outlay for C.A(lacs): | 164288 | | | | | | | | | | | | | | | | | | |
| (iv) | Whether the land identified by User Agency is suitable for CA and from managementpoint of view: | No Data | | | | | | | | | | | | | | | | | | |
| 14. | Documentary evidence in support of settlement of rights in accordance with the provisions of the scheduled Tribes and other Traditional Forest Dwellers(Recognition of forest Rights) Act,2006 on the forest land proposed to be diverted enclosed. | yes | | | | | | | | | | | | | | | | | | |
| 15. | Whether the project requires envirmment Clearance | | | | | | | | | | | | | | | | | | | |
| 16. | Catchment Area Treatment Plan | - | | | | | | | | | | | | | | | | | | |
| 17. | Rehabilitaion of Outstee | | | | | | | | | | | | | | | | | | | |
| (i) | Number of SC Families | 0 | | | | | | | | | | | | | | | | | | |
| (ii) | Number of ST Families | 0 | | | | | | | | | | | | | | | | | | |
| (iii) | Number of Backword Families | 0 | | | | | | | | | | | | | | | | | | |
| (iv) | Copies of R&R Plan | - | | | | | | | | | | | | | | | | | | |

| | | |
|-----|---|--|
| 18. | Cost Benefit Analysis | - |
| 19. | Total cost of the project(in crore): | 450 |
| 20. | Employment Potential | Permanent Employee : 5 Temporary Employee : 750 Total Employee : 755 |
| 21. | Details of Mining lease | No |
| 22. | Undertaking to bear the cost of CA and NPV | yes |

23. District Profile

| S.no | District Name | Geographical area of the district (in ha.) | Forest area of the district (in ha.) | Total forest area diverted since 1980 (in ha.) | No. of Approved Cases | Forest Land including penal C.A. (in ha.) | Progress of compensatory afforestation as on(date) | Forest land (in ha.) | Non-forest land (in ha.) |
|------|---------------|--|--------------------------------------|--|-----------------------|---|--|----------------------|--------------------------|
| 1 | Bellary | 842000 | 1349.53 | 6476.58 | 91 | 2342.49 | 31/03/2017 | 2337.70 | 2728.00 |

| | | |
|-----|---|--|
| 24. | Total area proposed for afforested since 1980 - | Degraded forest land - 2342.49 Penal CA over Forest land - 2337.70 Non-Forest land - 2728.00 Total- 7408.19 |
| 25. | Total area afforested since 1980 - | Degraded forest land - 2342.49 Penal CA over Forest land - 2337.70 Non-Forest land - 2728.00 Total- 7408.19 |

26. Site Inspection Report

| Division | Circle | Site Inspection By | Date Of Visit | Brief Details of SIR at DFO |
|----------|---------|--------------------|---------------|---|
| Bellary | Bellary | DFO | 23/02/2018 | Recommended for approval |
| | Bellary | CF | 23/03/2018 | Recommended for approval |
| | | Nodal Officer | 21/04/2018 | Recommended for diversion of 0.604 ha. of forest land in favour of M/s JSW Steel Ltd. |

27. Recommendation with Specific conditions,(if any)

DFO/CF/PCCF/Nodal Officer

| Division | Circle | Recommendation By | Recommendation | Remarks/Conditions |
|----------|---------|-------------------|----------------|---|
| Bellary | Bellary | DFO | Recommended | Recommended for approval |
| | Bellary | CF | Recommended | Recommended for approval |
| | | Nodal Officer | Recommended | Recommended for diversion of 0.604 ha. of forest land in favour of M/s JSW Steel Ltd. |

28. Specific recommendation of the State Government

| State | Recommendation | Recommendation | Remarks/Conditions |
|-------|----------------|----------------|--------------------|
|-------|----------------|----------------|--------------------|

| | | | |
|-----------|-----------------|-------------|-------------|
| | By | | |
| Karnataka | State Secretary | Recommended | RECOMMENDED |

| 29. | Forwording Letter for Nodal Officer | | | | | | | | | | | | | | | | | | | |
|--------------|--|---|------------|-----------------------------------|--|---------|-----------------------------|----------------------|----|------------|------------|------------|-------|--|--------------|--|--|--|--|--------------|
| 30. | Forwording Letter for State Government | <p>The PCCF (HoFF), Bengaluru vide his letter No. A5(1). MNG.CR.9/2017-18, dated : 21.04.2018 indicated the following details :</p> <p>DCF, Ballari Division Report: In response, the DCF, Ballari Division after receiving additional information from user agency has submitted the proposal to the CCF, Ballari circle vide his letter dated 20.02.2018 duly recommending the proposal for diversion of 0.604 ha. further, the CCF, Ballari circle, vide his letter dated 14.03.2018 has submitted the proposal to this office. The details of the proposal as reported by the DCF, Ballari Division are as follows:</p> <p>i. The proposed forest area falls under Eco-Class – III (southern Dry deciduous forest)</p> <p>ii. The flora and fauna observed in proposed area are: Flora: Acacia catechu, Albizzia amara, Anogeissus latifolia, Cassia Fistula Carissa Carandus and Dodonia viscosa. Fauna: Hare, peafowl, sloth Bear, Wild boar Leopard etc.</p> <p>iii. As the proposed forest area for Downhill Pipe conveyor is running along steep slope of hillock it is vulnerable to soil erosion and loss of vegetation Hence, the User Agency is advised to take up soil and moisture conservation & afforestation works along the Downhill Pipe Conveyor.</p> <p>iv. There are no protected / archaeological / heritage sites or defence establishments or important monuments located inside the proposed project area.</p> <p>v. The proposed forest land is not part of National park, wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, elephant corridor, etc. The proposed Project area is 18.4 Km away from the Gudekote Bear Sanctuary and 11.2 Km away from Daroji Bear Sanctuary.</p> <p>vi. There is no violation reported under Forest (Conservation) Act, 1980.</p> <p>vii. The proposed area required for this project is 4.527 ha out of this , 0.604 ha falls in forest land in Sandur South Range and 3.9236 ha is falling in revenue land (Non-forest land). The details of forest land proposed for diversion is as below.</p> <table border="1" data-bbox="766 1485 1430 1810"> <thead> <tr> <th>S. No</th> <th>Component proposed in forest area</th> <th>Name of the Forest Block</th> <th>Village</th> <th>Forest land proposed in ha.</th> <th>Legal Status of land</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Segment -2</td> <td>D.M. Block</td> <td>Bannihatti</td> <td>0.604</td> <td>Karnataka Forest Act 1963 Section 4 notified area.</td> </tr> <tr> <td colspan="5" style="text-align: center;">Total</td> <td>0.604</td> </tr> </tbody> </table> <p>viii. The user agency has identified non- forest (patta land) land in sy. No. 10 A/a1 of Gandiganur Village, Hosapete Taluk, Ballari District over an extent diversion of 0.604 ha of forest land for raising Compensatory Afforestation. CA land has not been transferred to Forest Department. Agreement has been made between JSW and N. Somappa (land owner).</p> | S. No | Component proposed in forest area | Name of the Forest Block | Village | Forest land proposed in ha. | Legal Status of land | 1. | Segment -2 | D.M. Block | Bannihatti | 0.604 | Karnataka Forest Act 1963 Section 4 notified area. | Total | | | | | 0.604 |
| S. No | Component proposed in forest area | Name of the Forest Block | Village | Forest land proposed in ha. | Legal Status of land | | | | | | | | | | | | | | | |
| 1. | Segment -2 | D.M. Block | Bannihatti | 0.604 | Karnataka Forest Act 1963 Section 4 notified area. | | | | | | | | | | | | | | | |
| Total | | | | | 0.604 | | | | | | | | | | | | | | | |

ix. M/s JSW Steel Limited has not submitted Form-I under the scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006.

x. M/s JSW Steel Ltd. Toranagallu has submitted an undertaking for payment of NPV applicable.

CCF, Ballari circle report: Agreeing with the recommendation of the DCF, Ballari Division, Ballari, CCF, Ballari Circle has requested to consider the proposal for diversion forest land under Forest (Conservation) Act, 1980 in light of the directions issued by the Hon'ble Supreme Court of India in WP No. 562/2009 dated 21.03.2017 wherein it has directed to install the pipe conveyor belt as it avoids dust and reduces the traffic on the road while transporting mined ore through vehicles.

Compensatory Afforestation: The user Agency has identified non-forest (Patta land) land in Sy. No. 10A/a1 Gadiganur Village, Hosapete Taluk, Ballari District over an extent of 0.604 ha in lieu of the diversion of 0.604 ha of forest land for raising CA. This land has not yet been transferred to Forest Department. However, agreement has been made between JSW and N. Somappa and a copy of the agreement is provided. DCF, Ballari has reported fitness of this land parcel for raising CA.

RoFR Compliance : with reference to the certificate in Form-I under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 , it is reported that Deputy Commissioner in his letter dated 20.11.2017 has already issued direction to Assistant Commissioner, Ballari and district Tribal Welfare Officer, Ballari for conducting Grama Sabha meeting and to submit the proceedings. Certificate pertaining to Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is pending.

Net Present Value (NPV) : M/s JSW Steel Ltd. Toranagallu has submitted an undertaking for payment of NPV over an extent of 15.981 ha.

Further , it is to submit that the Hon'ble supreme Court in judgement dated 21.03.2017 passed in IA No. 247 & other IAs in writ Petition Civil No. 562/2009 have approved construction of conveyor belt system, railway sidings and railway sub-lines as the most significant step towards controlling the environmental pollution that has persisted on account of open movement of iron ore by road.

In light of the facts stated above, it is requested to move the proposal with the GoI for according in-principle approval for diversion of 0.604 ha of forest land in DM Block & Sy. No. 121 of Bannihatti Village of Sandur Taluk, Ballari District for establishing Downhill Pipe Conveyor (DPC) for Bhadra iron ore mine ML No. 2365 and Tunga Iron ore mine ML No. 2366 in favour of M/s JSW steel Ltd. gidyanagar, Ballari District subject to the conditions specified in **Annexure A**

i. The legal status of Forest land shall remain unchanged and it shall continue to be forest land.

ii. The lessee shall pay lease rent as fixed by the Govt. from time to time.

iii. The lease tenure will be co-terminus with the lease under MMDR Act.

iv. The user has to pay the NPV of forest land diverted under this proposal as per Orders dated 28.03.2008 and 09.05.2008 of the Hon'ble Supreme Court of India.

v. The User Agency shall get 0.604 ha CA land mutated as forest and transferred to the Forest Department and shall pay CA charges for 0.604 ha.

vi. The leased area should be used for the purpose for which it is granted.

| | | |
|--|--|---|
| | | <p>In case the land is not used for the stipulated purpose within one year or when it is no longer needed for the stipulated purpose, the area shall be resumed back. The CCF m/DCF concerned is authorized to take necessary action in this regard.</p> <p>vii. In case of any violations , the forest lease shall be liable for forfeiture under section 82 of Karnataka Forest Act. 1963</p> <p>viii. No residential buildings shall be permitted in the leased forest area.</p> <p>ix. The Karnataka Forest Act, 1963 and Rules , 1969 and other relevant Acts & Rules will be applicable for any violation.</p> <p>x. In order to safeguard the wildlife interests and free movement of wild animals during night, transportation of ore through Conveyer Belt will be limited to sunrise to sunset.</p> <p>xi. The user Agency shall ensure that there should be no damage to the available fauna and other flora.</p> <p>xii. No labour camp shall be established on the forest land .</p> <p>xiii. Any damage to forest area due to such works shall be compensated by the user agency. the extent of damage shall be assessed by the concerned DCF.</p> <p>xiv. The lessee shall not sub-lease, mortgage or hypothecate the forest area.</p> <p>The user agency shall also abide by the conditions imposed by Gol, the Government of Karnataka and PCCF (HoFF)</p> |
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Comments of Additional Information By :

i. TO Remarks

The State Govt. vide their letter no. FEE 28 FFM2018 dated 20.08.2018 requested to communicate in-principle approval under section 2 of FCA subject to the condition subject to conditions stipulated by PCCF (HoFF) . **pg. 17/c.**

The Ministry vide its letter dated 01.11.2018 requested the State Govt. to provide the similar copy of the recommendation as uploaded because the recommendation of the State Govt. signed by the Under Secretary was not same . In addition, the shape file was also sought.

Now the Govt. of Karnataka vide their letter no. FEE 28FFM2018 dated 13.11.2018 **Pg. 67-68/c,** provided desired information.

In view of above, the facts related to the proposal may be placed before FAC in its forthcoming meeting scheduled to be held on 15.11.2018 for their examination and appropriate recommendation

ii. AIG Remarks

iii. IG Remarks

iv. ADG Remarks

v. DG Remarks

vi. Secretary Remarks

vii. MOS Remarks

viii. MEF Remarks