

I/57686/2023



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE
CHANGE

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BY SPEED POST
F.No.4-KRC1478/2023-BAN/
Dated the 14th November, 2023

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To

The Additional Chief Secretary to Government of Karnataka,
Forest, Ecology & Environment Department,
M.S. Building, Dr. Ambedkar Veedhi,
Bangalore – 560 001.

Subject: Diversion of 5.1734 ha. of forest land in Sy.No. 165/B of Somlapura village and Sy.No. 1/B of Ankamanahalu villages, Choranuru Hobli, Sandur Taluk, Ballari District for construction of 220 Kilo Volt Single Circuit Transmission line from existing 220/66/11 Kilo Volt Sub Station, Badalaku village, Kudligi Taluk to M/s. Resource Pellets Concentrates Pvt Ltd, Somlapura village, Sandur Taluk, Ballari District for a length of 27.90 KM in favour of M/s. Resources Pellets Concentrates Pvt Ltd, Sandur, Ballari District -reg.

Sir,

I am directed to refer to the State Government's letters No. FEE 27 FLL 2023 (e) dated 24/08/2023 seeking prior approval of the Central Government under Section'2' of the Forest (Conservation) Act, 1980 for the above project.

The proposal was examined by the Regional Empowered Committee constituted under sub-rule (1) of rule 4A of the Forest (Conservation) Rules, 2003 in its meeting held on 31/10/2023.

After careful examination of the proposal of the State Government and on the basis of the approval of the Regional Empowered Committee, in-principle approval /Stage-I clearance of the Central Government is hereby granted for diversion of 5.1734 ha. of forest land in Sy.No. 165/B of Somlapura village and Sy.No. 1/B of Ankamanahalu villages, Choranuru Hobli, Sandur Taluk, Ballari District for construction of 220 Kilo Volt Single Circuit Transmission line from existing 220/66/11 Kilo Volt Sub Station, Badalaku village, Kudligi Taluk to M/s. Resource Pellets Concentrates Pvt Ltd, Somlapura village, Sandur Taluk, Ballari District for a length of 27.90 KM in favour of M/s. Resources Pellets Concentrates Pvt Ltd, Sandur, Ballari District, subject to the following conditions:-

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 State Concerned.
2. The non-forest land identified to an extent of 5.85ha for Compensatory Afforestation i.e.1.52 ha. at Sy.No. 10/2 and 4.33 ha. at Sy.No.10/A of Malapura village of

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Toranagallu Hobli, Sandur Taluk, Ballari District shall be transferred and mutated in favour of Forest Department. The said Non-Forest shall be notified as RF/PF by the State Government before the Stage II Clearance. A copy of the original notification declaring the non-forest land under Section-4 or Section-29 of the Indian Forest Act, 1927, or under the relevant section of the local Forest Act as the case may be sent to this Ministry along with compliance report for information and record and also uploaded in Parivesh portal as per Ministry's guidelines dated 09/06/2022.

3. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation over equivalent extent of non forest land at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme shall include demarcation of CA area using appropriate fencing, provision for tall plants for better survival, provision for watering and SMC works and appropriate provision for anticipated cost escalation for the works scheduled for subsequent years. The CA will be maintained for 10 years.
4. The User Agency shall restrict the felling of trees to minimum number in the area proposed for diversion 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.
5. 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.
6. The KML file of the area being diverted, Compensatory Afforestation and SMC works shall be uploaded in the e-green watch portal with all requisite details and same shall be submitted along with compliance report.
7. The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Other 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 in it's letter No. 11-9/1998-FC dated 3rd August 2009 read with 05.07.2013 with necessary enclosures, in support thereof.
8. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
9. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.
10. 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.

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.
2. Compensatory Afforestation shall be raised over identified non forest 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 on identified non forest land.
3. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall 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.
4. 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.
5. No labour camp shall be established on the forest land.
6. No additional or new paths will be constructed inside the forest area for transportation of construction materials for execution of the project work.

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7. 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 any other legal source of alternate fuel.
8. The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.
9. The User Agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter No.7-25/2012-FC dated 05/05/2014 & 19/11/2014.
10. The user agency in consultation with the State Forest Department prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under transmission line for execution of the said scheme to the State Forest Department.
11. The forest land shall not be used for any purpose other than that specified in the project proposal.
12. The total forest area utilized for the project shall not exceed 5.1734 ha.
13. 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.
14. No damage to the flora and fauna of the adjoining area shall be caused.
15. User Agency shall obtain the Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable.
16. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
17. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forest in the surrounding area.
18. 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.
19. The user agency shall comply with 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.
20. 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 Forest and Wildlife.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be effected till final approval is granted by the Central Government in this regard.

Further, it may also be noted that this in-principle approval shall be valid for a period of 5 years from the date of issue of this letter. In the event of non-compliance of the above conditions, this in-principle approval shall be revoked after 5 years.

Yours faithfully,

(M.K.Shambhu)


Deputy Inspector General of Forests (Central)

Copy to:-


1. The Inspector General of Forests (ROHQ), Govt. of India, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Agni Wing, Aliganj, Jor Bagh Road, New Delhi – 110 003

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2. The Principal Chief Conservator of Forests (HoFF), Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore – 560 003.
3. The Principal Chief Conservator of Forests (FC) /Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore – 560 003.
4. M/s. Resources Pellets Concentrates Pvt Ltd, 2nd Floor, No.53, Empire Towers, Railway Parallel Road, Kumara Park West, Bengaluru -560 020.
5. Guard file.


(M.K.Shambhu)

Deputy Inspector General of Forests (Central)

O/c

16/11/2023