

F.No.8-20/2002-FC- Vol  
Government of India  
Ministry of Environment, Forests and Climate Change  
(Forest Conservation Division)  
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Indira Paryavaran Bhawan,  
Aliganj, Jorbagh Road,  
New Delhi – 110003

Dated: 19<sup>th</sup> Dec  
November, 2017

To

The Principal Secretary (Forests),  
Government of Karnataka,  
Bangalore.

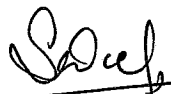
Sub: **Diversion of 0.68 ha. of forest land for approach road to existing mining lease of M/s Gogga Gurushantaih & Bros., Hosapete (ML No. 2522) in NEB Range, Sandur Taluk Ballary District Karnataka.**

Sir,

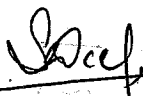
I am directed to refer to the State Government's letter No. FEE 43 FFM 2016 dated 20.01.2017 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, ***In-principle approval/Stage-I Clearance*** of the Central Government is hereby granted for diversion of 0.68 ha. of forest land for approach road to existing mining lease of M/s Gogga Gurushantaih & Bros., Hosapete (ML No. 2522) in NEB Range, Sandur Taluk Ballary District Karnataka subject to following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation shall be raised over the non-forest land (NFL), equal in extent to the forest land being diverted, 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. At least 1000 saplings per hectares shall be planted over 0.68 ha (680 plants). If this is not possible to plant these many seedlings in the identified NFL, the balance seedlings will be planted in degraded forest land as per the prescriptions of the Working Plan at the cost of the User agency. In such case CA cost will be revised and duly approved by competent authority and deposited online in the CAF managed by CAMPA. 25% of the CA cost additionally will be spent towards Soil and Moisture Conservation activities in the proposed CA area as per site requirement and deposited in CAF;
- (iii) The identified non-forest land in Kurki Village, Kolar District for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance, and the same 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;
- (iv) Penal CA on Forest land shall be raised. This shall be equivalent to the area utilized by the user agency without approval under the provisions of FCA 1980;
- (v) Penal NPV for land utilized in violation of the provision of FCA 1980 shall be charge at the rate of 20 percent per annum since the violation had commenced;
- (vi) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale.

  
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- (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;
- (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) No. 202/1995 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.
- (ix) Any fund received from the user agency under the project and deposited in the State Forest Department account, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned.
- (x) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
- (xi) No labour camp shall be established on the forest land.
- (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.
- (xiii) The boundary of the diverted forest land, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing, distance from pillar to pillar and GPS Co-ordinates.
- (xiv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xv) The forest land shall not be used for any purpose other than that specified in the proposal.
- (xvi) 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.
- (xvii) No damage to the flora and fauna of the adjoining area shall be caused.
- (xviii) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department.
- (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 IRC-SP-21-2009 (Guidelines on landscaping & tree plantation), on either sides of the road before final clearance.
- (xx) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted 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.
- (xxii) The User Agency will provide retaining walls, breast wall and drainage as per requirement to make the slope stable.
- (xxiii) The State Government shall complete settlement of rights, in terms 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 its letter No. 11-9/1998-FC (pt.) dated 03.08.2009, 05th February, 2013 and 05th July, 2013, in support thereof;
- (xxiv) The User Agency shall not collect any toll from the vehicles carrying forest officers on duty;
- (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;

  
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- (xxvi) Proper drainage shall be built with engineering structures all along the road, as suggested in the inspection report;
- (xxvii) Avenue plantation shall be raised and maintained at the cost of user agency;
- (xxviii) Fugitive dust emissions shall be controlled by making water spraying arrangements on the road;
- (xxix) The user agency shall have only the right of way and the control over the road shall remain with the forest department;
- (xxx) The User Agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to the concerned Regional Officer of the Ministry regularly;
- (xxxi) 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
- (xxxii) The State Government and User Agency shall ensure compliance to all conditions stipulated above and also 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.

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 affected till final approval is granted by the Central Government in this regard.

Yours faithfully,

  
(Sandeep Sharma) 16.12.17

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Karnataka, Bangalore.
2. The Addl. PCCF (Central), Regional Office, Bangalore.
3. The Nodal Officer (FCA), Forest Department, Government of Karnataka, Bangalore.
4. User Agency.
5. Monitoring Cell of FC Division, MoEF & CC, New Delhi.
6. Guard File.

  
(Sandeep Sharma) 15.12.17

Assistant Inspector General of Forests