

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 1100 03
Dated: 24th June, 2021

To,
The Additional Chief Secretary (Forests),
Ecology and Environment Department,
Government of Karnataka,
Bengaluru.

Sub: Proposal for diversion of 401.5761 hectare (388.00 ha for mining + 13.5761 ha. for approach road=401.5761 ha.) of forest land in Swamimalai (SM) Block Forest, Sandur Taluk, Ballari District for Iron Ore and Manganese Ore Mining in Devadari Hill Range in favour of IWs KIOCL Ltd. (formerly Kudremukh Iron Ore Company Limited), Bengaluru. -regarding (Online Proposal No. FP/KA/MIN/32568/2018).

Sir/Madam,

I am directed to refer to the Government of Karnataka's letter No. FEE 19FFM 2020 (e) dated 09th October, 2020 on the above mentioned subject, seeking prior approval of Central Government under Section-2 (ii) of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the Government of Karnataka and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to *accord Stage-I / In-principle* approval under the Forest (Conservation) Act, 1980 for diversion of 401.5761 hectare (388.00 ha for mining + 13.5761 ha. for approach road=401.5761 ha.) of forest land in Swamimalai (SM) Block Forest, Sandur Taluk, Ballari District for Iron Ore and Manganese Ore Mining in Devadari Hill Range in favour of IWs KIOCL Ltd. (formerly Kudremukh Iron Ore Company Limited), Bengaluru. -regarding (Online Proposal No. FP/KA/MIN/32568/2018), subject to the following conditions:-

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department and compliance is to be submitted prior to Stage-II approval:

- i. The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted (i.e. 401.5761 ha of forest land) 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 CAMPA account of the State Concerned;

- ii. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
- iii. 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 deposited through online e-portal into the CAMPA account in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- iv. 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;
- v. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- vi. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- vii. 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;
- viii. **State government was informed earlier by the Ministry that small forest land adjoining cultivation areas should not be proposed for CA on account of management issues associated with such small forest patches. The State government shall therefore propose revised CA area with sufficiently large patches, and got the same verified from the Integrated Regional Office, Bengaluru. The so verified CA land details along with KML file shall be submitted by the State Govt. to the Government of India prior to Stage II approval;**
- ix. **The Mines Department, Karnataka/ User Agency in consultation with the Forest Department, Karnataka shall prepare a plan with maps to secure dense vegetation on the slopes of the proposed area, and implement the same during the course of the lease period;**
- x. **In view of prevalence of wildlife in the area, a Site-specific Wild Life Management Plan shall be prepared, and implemented at the cost of the**

User Agency;

- xi. **It is reported that a number of seasonal nalas (streams) originate in the area proposed for forest diversion. A CAT Plan duly approved by the Principal Chief Conservator of Forests & HoFF, Karnataka shall be implemented at the cost of the user agency;**
- xii. Following activities, as per approved plan / schemes, shall be undertaken in the lease area by the User Agency under the supervision of the State Forest Department. Approved scheme/plan shall be submitted to the Ministry along with compliance of Stage-I approval:
 - a. Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department.
 - b. Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;
 - c. Construction of check dams, retention / toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
 - d. Stabilize the overburden dumps by appropriate grading/benching, inaccordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28° ; and
 - e. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- xiii. Safety Zone Management: Following activities, at project cost, shall be undertaken by the user agency for the management of safety zone as per relevant guidelines issued by the Ministry's guidelines:
 - a. User agency shall ensure demarcation of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its fencing, protection and regeneration by erecting adequate number of 6 feet high RCC boundary pillars inscribed with DGPS coordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the. State Forest Department;
 - b. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
 - c. Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy in the area, regeneration shall be taken up in this area by the user agency at project cost under the supervision of the State Forest Department;
 - d. Afforestation on degraded forest land to be selected elsewhere, measuring one and a half times the area under safety zone, shall also be done at the project cost under the supervisions of the State Forest Department. The degraded forest land (DFL) so selected will be informed to the MoEF & CC with shape files before Stage-II approval and afforestation will be done within

three years from the date of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department; and

e. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;

xiv. The KML files of the area to be diverted, the CA areas, the proposed SMC treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details prior to Stage II approval;

B: Conditions which need to be 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 and compliance is to be submitted prior to Stage-II approval:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The Forest land will be handed over only after required non-forest land for the project is handed over by the user agency;
- iii. The Compensatory Afforestation shall be taken up by the Forest Department over double the degraded i.e. **401.5761X2=803.1522** ha. of degraded forest land at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided. With provision for ten years on subsequent maintenance;
- iv. 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;
- v. **The area is within a mineralised zone. It is reported that at present there are 4 mining zones where active mining is taking place by a large number of organisations as per their individual plans. On the other hand, the cumulative impact of mining on forest, wildlife and ecology needs to be understood and acted upon. As such, the area requires a comprehensive view with regard to sustainable mining vis-à-vis forest, wildlife and ecological conservation including promotion of green mining infrastructure in the future which could not only have least impact on forest and wildlife in the area but in some cases could actually promote forest and wildlife by itself. A comprehensive study jointly by a couple of reputed institutes like IIT(ISM), Dhanbad, IIT, Delhi, IISc, Bengaluru, ICFRE, Dehradun shall be undertaken by the State Government at the cost of the user agency so as to draw a perspective co-management plan for mining and forest and wildlife conservation and development, including for green mining infrastructure development. The study report shall be submitted within one year for its consideration by Govt. of India and issuing guidelines/ direction for follow-up action by the mining companies at their cost. It is clarified that this study shall not be linked to the present FC approval;**

- vi. **The User Agency and the State Government shall strictly adhere to the directions/ guidelines issues by the Honourable Supreme Court for mining, including directions on mining in Bellary district, and comply with all the statutory conditions for scientific and sustainable mining issued by competent authority;**
- vii. **Road side plantation of local species and bamboo shall be raised along the approach road to the mine at the cost of the user agency;**
- viii. **The State Government shall prepare a time-bound plan for return of those forest areas in 'A', 'B' and 'C' category mines in Bellary district which could not be auctioned on account of non-viability, to the State Forest Department after proper Rehabilitation and Resettlement as per directions of the Hon'ble Supreme Court, and submit the Plan to the Govt. of India within six months. It is clarified that this condition is not linked to the instant proposal of forest land diversion, but the same shall be one of the issues for consideration for any forest land diversion in Karnataka State in the future, i.e. after six months;**
- ix. 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 cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- x. Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- xi. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xii. No labour camp shall be established on the forest land and 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 user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
- xiv. The User Agency shall comply with the Hon'ble Supreme Court order on re-grassing, and re-grass the mining area and any other areas which may have been disturbed due to mining to restore them to a condition which is fit for growth of fodder, flora, fauna, etc. in a timely manner;
- xv. The boundary of the diverted forest land, mining lease and safety zone, 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, distance from pillar to pillar and GPS co-ordinates;
- xvi. The forest land shall not be used for any purpose other than that specified in the project proposal;

- xvii. 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;
- xviii. No damage to the flora and fauna of the adjoining area shall be caused;
- xix. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government;
- xx. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
- xxi. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xxii. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife shall be carried with by the State Government and user agency;
- xxiii. 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 regularly; and
- xxiv. The user agency shall comply 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.

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,

Sd/-

(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to: -

1. The Principal Chief Conservator of Forests (HoFF), Government of Karnataka, Bengaluru.
2. The Regional Officer, Integrated Regional Office, MoEF&CC, Bengaluru.
3. The Nodal Office (FCA), Forest Department, Government of Karnataka, Bengaluru.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.