

**F. No. 8-12/2018-FC**  
Government of India  
Ministry of Environment, Forests and Climate Change  
(FC Division)

Indira Paryavaran Bhawan,  
Aliganj, Jor Bag Road,  
New Delhi - 110003.  
**Dated: 22<sup>nd</sup> June, 2018**

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

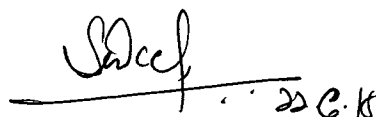
**Sub: Diversion of 133.58 ha of forest land (Comprising of 130.53 ha for Iron Ore Mining in erstwhile ML No. 2365 of M/s Tungabhadra Mineral private Limited and 3.05 ha for approach road) in Donimalai Block, Sandur Taluk, Ballari District in favour of M/s JSW Steel Ltd. Toranagallu, Ballari District.**

Sir,

I am directed to refer to the State Government's letter No. FEE 9 FFM 2018 dated 05.03.2018 submitting the above subject proposal for seeking prior approval of the Central Government under Section-2 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.

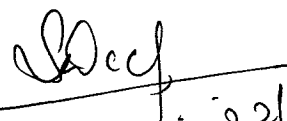
2. After careful consideration of the proposal of the State Government of Odisha and on the basis of the recommendations of the Forest Advisory Committee, ***In-principle*** approval is hereby granted for proposal for diversion of 133.58 ha of forest land (Comprising of 130.53 ha for Iron Ore Mining in erstwhile ML No. 2365 of M/s Tungabhadra Mineral private Limited and 3.05 ha for approach road) in Donimalai Block, Sandur Taluk, Ballari District in favour of M/s JSW Steel Ltd. Toranagallu, Ballari District under Section (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) User agency shall provide non-forest land equivalent to 133.58 ha. for compensatory afforestation. CA scheme shall be revised accordingly.
- (iii) Non-forest land equivalent to 133.58 ha shall be transferred and mutated in favour of state forest department prior to Stage II approval.
- (iv) State government shall ensure that CA scheme with at least 1000 plants per ha is plantable on the non-forest land which is being provided by the user agency for compensatory afforestation. In case if it is not possible to carry out plantation @ 1000 plants per ha in the proposed non-forest CA land, the remaining number of plants shall be planted on degraded forest land. The shape file of such degraded forest land shall be provided to MoEF&CC prior to stage II approval.
- (v) NPV for the entire area of 133.58 ha shall be charged.
- (vi) State Government shall develop a reclamation scheme for the area broken by erstwhile mine holder outside the mining lease. A detail scheme along

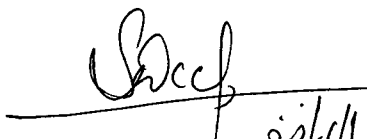
  
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with specific time line to green the area shall be submitted by the state government.

- (vii) State government shall prepare a site specific wild life management plan duly approved by Chief Wildlife Warden of the state. The cost of preparation and implementation shall be borne by user agency.
- (viii) State Government shall prepare a regional wild life management plan and user agency shall be asked to contribute to the regional wild life management plan in proportion to the area of mining lease falling within the designated region of wild life management plan. The contribution to the regional wild life management plan shall be different from site specific wild life management plan. The plan shall be approved by competent authority in the state.
- (ix) User agency shall prepare and implement a soil and moisture conservation plan. It shall be duly approved by competent authority in the state and commensurate funds shall be deposited in the account of Adhoc CAMPA.
- (x) All the conditions proposed by PCCF (HoFF) Karnataka in his forwarding letter: A5(1) MNG.CR.02/2017-18 dated 20.01.2018 shall be complied .
- (xi) State Government shall ensure complete compliance of FRA Act 2006 as per the guidelines issued by MoEF&CC on 03.08.2009 read with 05.07.2013;
- (xii) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (xiii) 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;
- (xiv) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (xv) The user agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;
- (xvi) The Forest clearance will be for a period co terminus with the lease period specified in the lease agreement. The State Government will submit the lease agreement document specified in the lease agreement;
- (xvii) The State Govt. may note that this Ministry will not be liable to pay any compensation or refund compensatory levies deposited in Adhoc CAMPA fund to the erstwhile lease holder in category "C" mine;

  
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- (xviii) The user agency shall implement the following activities under the supervision of the State Forest Department:
- (a) Mitigative measures to minimize soil erosion and choking of stream shall be initiated to be implemented within a period of three years with effect from the date of 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, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than  $28^{\circ}$ ; and
  - (e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- (xix) The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Addl. Pr. Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
- (xx) The user agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF &CC along with indicators for monitoring and expected observable milestones;
- (xxi) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Birds nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.
- (xxii) 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;
- (xxiii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xxiv) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxvi) No labour camp shall be established on the forest land;

  
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- (xxvii) 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;
- (xxviii) The State Govt. and the User agency shall ensure de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required preferably within five years from the date of approval of Stage-II Clearance;
- (xxix) The forest land shall not be used for any purpose other than that specified in the proposal and the said forest land shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xxx) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxxi) 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;
- (xxxii) 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
- (xxxiii) 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;

After receipt of the report on the compliance to the conditions stipulated in the paragraph-2 above from the State Government of Karnataka, final/stage-II approval for diversion of 133.58 ha of forest land (Comprising of 130.53 ha for Iron Ore Mining in erstwhile ML No. 2365 of M/s Tungabhadra Mineral private Limited and 3.05 ha for approach road) in Donimalai Block, Sandur Taluk, Ballari District in favour of M/s JSW Steel Ltd. Toranagallu, Ballari District under Section-2 of the Forest (Conservation) Act, 1980 will be considered by this Ministry.

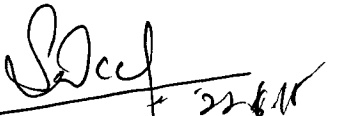
Yours faithfully,

  
(Sandeep Sharma)

Assistant Inspector General of Forests (FC)

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)

Assistant Inspector General of Forests (FC)