

F. No. 8-77/2013-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi - 110003
Dated: 30 October, 2017

To

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

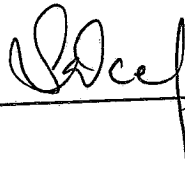
Sub: Diversion of 5.44 ha of forest land for approach road outside mining lease area for Mining Lease No. 2346 in Nirthadi Reserve Forest, Holalkere Range, Chitradurga Division, Chitradurga District, Karnataka State in favour of M/s. Mineral Enterprises Limited, Bengaluru.

Sir,

I am directed to refer to the State Government's letter No. FEE 23 FFM 2013 dated 15.10.2015 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 5.44 ha of forest land for approach road outside mining lease area for Mining Lease No. 2346 in Chitradurga Division, Chitradurga District, Karnataka State in favour of M/s. Mineral Enterprises Limited, Bengaluru:

- (i) Legal status of the diverted forest land shall remain unchanged
- (ii) Compensatory afforestation over the non-forest land, equal in extent to the forest land being diverted, shall be raised on the identified land and maintained their after as per approved plan by the State Forest Department from amount deposited by the User Agency in the Account of Ad-hoc CAMPA.
- (iii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale.
- (iv) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance.
- (v) The non-forest land transferred so mutated in favour of the State Forest Department 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. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, as the case may be, within the stipulated period to the Central Government for information and record;
- (vi) 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;.
- (vii) 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



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- requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned.
- (viii) 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.
 - (ix) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
 - (x) No labour camp shall be established on the forest land.
 - (xi) 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.
 - (xii) 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.
 - (xiii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
 - (xiv) The forest land shall not be used for any purpose other than that specified in the proposal.
 - (xv) 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.
 - (xvi) No damage to the flora and fauna of the adjoining area shall be caused.
 - (xvii) 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.
 - (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 User Agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
 - (xxiv) 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;
 - (xxv) The User Agency shall not collect any toll from the vehicles carrying forest officers on duty.
 - (xxvi) 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.
 - (xxvii) **Proper drainage shall be built with engineering structures all along the road, as suggested in the inspection report.**
 - (xxviii) **Avenue plantation shall be raised and maintained at the cost of user agency.**



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- (xxix) Fugitive dust emissions shall be controlled by making water spraying arrangement on the road.
- (xxx) The user agency shall have only the right of way and the control over the road shall remain with the forest department.
- (xxxii) The State Govt. shall ensure that all the violations done by the user agency in mining lease area and under this project are rectified before issue of Stage-I Clearance.
- (xxxiii) The user agency shall submit the annual self compliance report in respect of the above conditions to the State Govt. and to the concerned regional Officer of the Ministry regularly.
- (xxxiiii) 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
- (xxxv) The State Govt. 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 fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under section-2 of the Forest (Conservation) Act, 1980. Transfer forest land shall not be affected till final approval is granted by the Central Govt. in this regard.

Yours faithfully,




(Sandeep Sharma) 30.10.17

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Secretary (Forests), Government of Karnataka, Bangalore.
2. Principal Chief Conservation of Forests, Government of Karnataka, Bangalore.
3. The Nodal Officer, FCA office of the PCCF, Government of Karnataka, Bangalore.
4. User Agencies
5. Monitoring Cell
6. Guard File



(Sandeep Sharma) 30.10.17

Assistant Inspector General of Forests(FC)