

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

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 1100 03,
Dated: November, 2022

To
The Additional Chief Secretary (Forests),
Forest, Ecology and Environment Dept.,
Government of Karnataka,
Bangalore.

Sub: Proposal for diversion of 5.71 ha of Forest land for widening of existing approach road for ML No. 1111 S. M. Block Forest in favour of M/s National Mineral Development Corporation (NMDC) Ltd. Donimalai, Sandur (Bellary Forest Division & district), Karnataka . (Online proposal No. FP/KA/ROAD/8506/2014)-regarding.

Sir,

I am directed to refer to the Government of Karnataka's letter no. FEE 41 FFM 2016 date 05.11.2016 on the above mentioned subject, wherein prior approval of the Central Government for diversion of 5.71 ha of Forest land for widening of existing approach road for ML No. 1111 S. M. Block Forest in favour of M/s National Mineral Development Corporation (NMDC) Ltd. Donimalai, Sandur (Bellary Forest Division & district), Karnataka, was sought in accordance with Section-2 (ii) of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted under Section-3 of the said Act, *In-principle approval/Stage-I clearance* for diversion of the said forest land was accorded by the Ministry vide its letter of even number dated 27.09.2017 subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the Stage-I approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Karnataka vide their letters dated 28.06.2021, 22.02.2022, 25.07.2022 and 19.10.2022, *Final /Stage - II approval* of the Central Government is hereby granted under Section-2 (ii) of the Forest (Conservation) Act, 1980 for diversion of 5.71 ha of Forest land for widening of existing approach road for ML No. 1111 S. M. Block Forest in favour of M/s National Mineral Development Corporation (NMDC) Ltd. Donimalai, Sandur (Bellary Forest Division & district), Karnataka, subject to the fulfillment following conditions: -

A: Conditions which need to be complied prior to handing over of forest land to user agency by the State Govt.:

- i. The State Govt. shall ensure the complete compliance on FRA, 2006;
- ii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- iii. The State Government shall upload the kml files of the area under diversion and the accepted degraded forest land for raising compensatory afforestation in the E-Green Watch portal of FSI, before handing over forest land to the user agency;

B: Conditions which need to be complied after handing over of forest land to the user agency by the State Govt.:

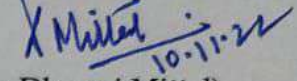
- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Compensatory Afforestation, twice in extent to the area of forest land proposed on identified degraded forest land, shall be raised within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department at the cost of the user agency. Further, at least 1000 saplings per hectares shall be planted over 11.42 ha (11,420 plants);
- iii. The State Government may ensure that the User agency shall raise penal CA on degraded forest land equivalent to the land (5.71 ha) utilized in violation of the provision of Forest (Conservation) Act 1980 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;
- iv. 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 and transfer the same to the NA, CAMPA under intimation to this Ministry
- v. No labour camp shall be established on the forest land;
- vi. 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;
- vii. 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 Coordinates;
- viii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- ix. The forest land shall not be used for any purpose other than that specified in the proposal;
- x. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xi. 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;

- xii.No damage to the flora and fauna of the adjoining area shall be caused;
- xiii.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;
- xiv.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;
- xv.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.
- xvi.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;
- xvii.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;
- xviii.The User Agency will provide retaining walls, breast wall and drainage as per requirement to make the slope stable;
- xix.The User Agency shall not collect any toll from the vehicles carrying forest officers on duty;
- xx.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;
- xxi.Proper drainage shall be built with engineering structures all along the road, as suggested in the inspection report;
- xxii.Avenue plantation shall be raised and maintained at the cost of user agency;
- xxiii.Fugitive dust emissions shall be controlled by making water spraying arrangements on the road;
- xxiv.The user agency shall have only the right of way and the control over the road shall remain with the forest department;
- xxv.The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC;
- xxvi.Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;
- xxvii.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;
- xxviii.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;
- xxviii.The Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the para 1.21 of comprehensive guidelines issued vide this Ministry F. No.5-2/2017-FC dated 28th March, 2019 and

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xxix. 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.

Yours faithfully,


10-11-22

(Dr. Dheeraj Mittal)

Assistant Inspector General of Forests

Copy to: -

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