

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

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

Dated: 16<sup>th</sup> December, 2022

To

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

**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 M/s KIOCL Ltd. (formerly Kudremukh Iron Ore Company Limited), Bengaluru. -regarding (Online Proposal No. FP/KA/MIN/32568/2018).**

Sir,

I am directed to refer to the Government of Karnataka's letter No. FEE 19FFM 2020 (e) dated 09<sup>th</sup> October, 2020 on the above mentioned subject, wherein prior approval of the Central Government 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 M/s KIOCL Ltd. (formerly Kudremukh Iron Ore Company Limited), Bengaluru, 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 24.06.2021 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 letter No. FEE 19 FFM 2020 (e) dated 18<sup>th</sup> August, 2022 and letter No. FEE 19 FFM 2020 dated 01<sup>st</sup> October, 2022, *Final approval/Stage - II approval* of the Central Government is hereby granted under Section-2 (ii) of 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 M/s KIOCL Ltd. (formerly Kudremukh Iron Ore Company Limited), Bengaluru, subject to the 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 that the Mines Department, Karnataka/ User Agency in consultation with the Forest Department, Karnataka will implement a plan to secure dense vegetation on the slopes of the proposed area, and implement the same during the course of the lease period;
- ii. The State Govt. shall ensure that the prevalence of wildlife in the area, a Site-specific Wild Life Management Plan will be implemented at the cost of the user agency, before commencement of work;
- iii. The State Govt. shall ensure that the 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 will be implemented at the cost of the user agency, before commencement of work;
- iv. The State Govt. shall ensure the complete compliance on FRA, 2006; It should also be ensured that the FRA certificate issued by District collector is complete with letter number, date, name, signature and official seal, as required in the certificate;
- v. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- vi. The State Government may ensure that 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;
- vii. The State Government shall ensure that the mining lease holder shall, after ceasing mining operations, undertake re grassing the mining area, and any other areas which may have been disturbed due their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna, etc.;

**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. The Compensatory Afforestation shall be taken up by the Forest Department over double the degraded i.e.  $401.5761 \times 2 = 803.1522$  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 mono-culture of any species may be avoided. With provision for ten years on subsequent maintenance;
- iii. 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;
- iv. 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 organizations 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, however the State shall ensure the compliance;

- v. The User Agency and the State Government shall strictly adhere to the directions/ guidelines issues by the Honorable 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;
- vi. The State Govt. shall ensure that the road side plantation of local species and bamboo raised along the approach road to the mine at the cost of the user agency;
- vii. 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, however the State shall ensure the compliance;
- viii. The State Govt. shall ensure the User Agency must do the needful as per Hon'ble SC directions and follow the instructions and recommendation of the CEC and also take required approval in a time bound manner for the regularization of the violations in the Kudremukh Forest and National Park. It would be obligatory on the State Government and UA to get the regularization of the violation of FC Act in the matter is done in time. The State shall also ensure the non binding conditions laid down by the FAC in the matter;
- ix. The 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 proposed to be granted under the Mines and Minerals (Development & Regulating) Act, 1957, as amended or Rules framed there under;
- x. 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, 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;
- xi. 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;

xii. The State Govt. shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person without obtaining prior approval of the Central Government;

xiii. The User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department;

xiv. The layout plan of the proposal shall not be changed without prior approval of Central Government;

xv. No labour camps shall be set up inside the forest area. Labour management plan should be implemented with emphasis that no labour camp be set up in the close vicinity of the eco-fragile and sensitive areas;

xvi. The Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;

xvii. The State Govt. shall ensure that the boundary of the diverted forest land, 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;

xviii. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;

xix. No damage to the flora and fauna of the area shall be caused;

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 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;

xxii. The forest land proposed to be diverted shall under no circumstances be transferred

- to any other agencies, department or person without prior approval of Govt. of India;
- xxiii. The State Govt. shall ensure that the Compliance report of this approval is uploaded on e-portal (<https://parivesh.nic.in/>);
- xxiv. 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 28<sup>th</sup> March, 2019;
- xxv. Any other condition that the Ministry of Environment, Forest and 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; and
- xxvi. The State Government and user agency shall ensure compliance to all conditions stipulated in the Stage-I approval letter dated 24.06.2021 for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, pertaining to this project for the time being in force, as applicable to the project.

Yours faithfully,

(Dr. Dheeraj Mittal)  
Assistant Inspector General of Forests

**Copy to: -**

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