Proceedings of the Government of Karnataka

Subject: Diversion of 100.54 ha of forest land in Swamymalai Block, Sandur Taluk, Ballari District in M.L No.2290 of C-category mines in favour of M/s J.S.W Steel Ltd., Ballari.

Read:

1) Principal Chief Conservator of Forests (Head of Forest Force), Bangalore's Letter No. A5(1).MNG.CR.82/2016-17, dt:24.11.2017.
2) Government of Karnataka's Letter No. FEE 75 FFM 2017, dt:11.01.2018.
3) Government of India, Ministry of Environment, Forests and Climate Change's Letter No. F. No. 8-07/2018-FC dt:26.04.2018..
4) Principal Chief Conservator of Forests (Head of Forest Force), Bangalore's Letter No. A5(1).MNG.CR.82/2016-17, dt:22.10.2018.
5) Government of Karnataka's Letter No. FEE 75 FFM 2017, dt:31.10.2018.
6) Government of India, Ministry of Environment, Forests and Climate Change's Letter No. F. No. 8-07/2018-FC dt:13.12.2018.

Preamble:

The Principal Chief Conservator of Forests (Head of Forest Force), Bangalore vide their letter read at (1) has submitted a proposal for diversion of 100.54 ha of forest land in Swamymalai Block, Sandur Taluk, Ballari District in M.L No.2290 of C-category mines in favour of M/s J.S.W Steel Ltd., Ballari District subject to certain conditions.

After verification and examination, the proposal was forwarded to Government of India to accord sanction under section-2 of the Forest (Conservation) Act,-1980 vide Government letter read at (2) above.

The Government of India, Ministry of Environment, Forests & Climate Change, New Delhi, vide their letter read at (3) has accorded in-principle (Stage-1) approval for the proposal subject to fulfillment of certain conditions and the same was communicated to the Principal Chief Conservator of Forests (Head of Forest Force), Bengaluru with a direction to submit compliance report on fulfillment of the conditions.

The Principal Chief Conservator of Forests (Head of Forest Force), Bengaluru vide their read at (4) has furnished the compliance report and the same was forwarded to the Government of India vide Government letter read at (5) above and it was requested to obtain the final approval of Government of India Under section-2 of the Forest (Conservation) Act,-1980.

The Government of India, Ministry of Environment, Forests & Climate Change, New Delhi, vide their letter read at (6) has accorded and communicated its final approval (Stage-II) for the proposal Under section-2 of the Forest (Conservation) Act,-1980 subject to certain conditions.

The same has been examined in detail and hence the following order.

Government Order No. FEE 75 FFM 2017, Bengaluru,
Dated: 15/12/2018

Under the circumstances explained in the preamble, approval is accorded under section-2 of Forest (Conservation) Act,-1980 for diversion of 100.54 ha of forest land in Swamymalai Block, Sandur Taluk, Ballari district in M.L No.2290 of C-category mines in favour of M/s J.S.W Steel Ltd., Ballari District subject to following conditions:-

i) Legal status of the diverted forest land shall remain unchanged.

ii) The user agency may use only 100.54 ha of forest land and the excess forest land of 21.17 ha diverted illegally be reverted back to the Forest department.

iii) Compensatory afforestation of identified non-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 as per approved plan by the Forest Department from the funds deposited in CAMPA account by the user agency. At-least 1000 plants per hectare shall be raised and if it is not possible to plant all these seedlings in the identified CA land, then

the balance seedlings will be planted in any degraded Forest in the State as per prescription of working plan. In addition to this, the Forest Department shall carry out soil and moisture conservation (SMC) activities on the CA land from the funds deposited by the User Agency in CAMPA Account.

iv) The Forest Department shall implement approved Plans/Schemes for Wildlife Conservation and Soil Moisture Conservation for Devadari Mine (ML.2290) from the funds deposited by the User Agency in CAMPA Account.

v) The Forest Department shall ensure that the user agency shall complete the process of settlement of rights in favour of M/s J.S.W Steel Ltd, in accordance with provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act,-2006.

vi) 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.

vii) The Forest clearance will be for a period of co-terminus with the lease period specified in the lease agreement..

viii) The user agency shall implement the following approved activities/plans/schemes under the supervision of the 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 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 them 20 degree and

e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.

ix) The User Agency shall carry out 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 in accordance with Forest (Conservation) Act, 1980, and the concerned Regional Office MoEF & CC. 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 Additional Principal Chief Conservator of Forests (Central) may direct that, the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed.

x) The user agency shall implement the R&R Plan as per the R&R Policy of the 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 Government/Regional Office of MoEF & CC along with indicators for monitoring and expected observable milestones;

xi) The user agency in consultation with the 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.

xii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.

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 carry out 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.

xv) The forest land shall not be used for any purpose other than the specified in the proposal and 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) The user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused.

xvii) The User Agency shall submit the annual self –compliance report in respect of the above stated conditions to the Government, concerned Regional Office and to this Ministry by the end of March every year.

xviii) 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.

xix) With regard to the safety zone, the User Agency shall pay the cost of afforestation charges in degraded forest as directed by the Ministry of Environment and Forests, Government of India.

xx) User agency shall ensure that demarcation of boundary of diverted forest land, mining zone and safety zone (7.5 metre strip all along the outer boundary of the mining lease area), and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPS coordinates and deploying adequate number of watchers under the supervision of the Forest Department.

xxi) In case of mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation /roads should be properly fenced by the user agency at the project cost to protect the vegetation /regeneration activities in the safety zone.

xxii) Safety zone shall be maintained as green belt around the mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the user agency at the project cost under the supervision of forest Department.

xxiii) User agency either itself or through the Forest Department shall undertake gap planting and soil and moisture conservation activities to restock and rejuvenate the degraded open forest (having crown density less than n0.4), if any located in the area within 100 m from outer perimeter of the mining lease.

xxiv) Adequate care shall be taken to check any rolling of over-burdens / dumps beyond diverted area and also to check soil erosion caused due to mining activities.

xxv) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the Forest Department.

xxvi) Wherever possible and technically feasible, the user agency in consultation with Forest Department shall undertake afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, at the project cost.

xxvii) The User agency should prepare a land surrender schedule specifying the year for surrendering the mined out and biologically-reclaimed forest land as per the mining plan and progressive mine closure plan and submit an undertaking that the biologically-reclaimed land will be handed over to the Forest Department as per this surrender schedule.

xxviii) Violation of any of the conditions shall invite penal action, as deemed fit by the Addl. Principal Chief Conservator of Forests (Central), Regional Office, Bengaluru.

xxix) The user agency shall take up the de-silting of the village tanks within one km area from the mine lease boundary as a Corporate's social responsibility so as to mitigate the impact of siltation of such tanks if any.

xxx) Adequate fire protection measures, including employment of fire watchers and maintenance of the fire line, etc, shall be undertaken by the user agency in and around the project area at its own cost.

xxxi) The lessee shall not carry out any mining operation after 7.00 PM and before 6.00 AM.

xxxii) The lessee shall abide by the provision of all the laws for the time being in force relating to working of minerals and matters affecting safety, health and convenience of the Lessee's employees or of the public doing execution of his work.

xxxiii) The Lessee shall strictly abide by the provisions of the Karnataka Forest Act, 1963 and the Karnataka Forest Rules, 1969, the Karnataka Forest Manual, 1976 and other Rules and Regulations.

xxxiv) If any dispute arises on the interpretation and implementation of above conditions and working difficulty, the matter will be referred to the Government and decision of the government shall be binding on both the parties.

xxxv) Conservation plan for wildlife shall be prepared in consultation with Chief Conservator of Forests, Ballari Circle. The plan shall also consist

of inbuilt monitoring and evaluation mechanism. The said plan shall be implemented at the project cost.

xxxvi) Any other conditions that the Government or the Addl. Principal Chief Conservator of Forests (Central), Regional Office / Principal Chief Conservator of Forests, Bengaluru may impose form time to time in the interest of conservation, protection and development of forests.

By order and in the name of the
Governor of Karnataka

(ARCHANA.M.S) 15/12/2018
Under Secretary to Government,
Forest, Ecology and Environment Department.

To:

The Compiler, Karnataka Gazette, Bangalore for publication in the next issue of the Gazette and request to supply 50 copies to State Govt. and 50 copies to Principal Chief Conservator of Forests (HoFF), Bengaluru.

Copy to:

1. The Director General of Forests & Special Secretary to Govt. of India, M/o Environment, Forest and Climate Change, Indira Paryavaran Bhavan, Jor Bagh, Ali Ganj Road, New Delhi-110003.
2. The Accountant General (Audit I and II)/(Accounts), Karnataka, Bengaluru.
3. The Principal Chief Conservator of Forests (WL), Aranya Bhavan, Malleshwaram, Bengaluru.
4. The Additional Principal Chief Conservator of Forests (Central), Govt. of India, M/o Environment and Forests and Climate Change, Regional Office (South Zone), Kendriya Sadana, 4th Floor, E and F Wing, 17th Main, Koramangala, Bengaluru.-34.
5. The Additional Principal Chief Conservator of Forests/Nodal Officer, O/o the Principal Chief Conservator of Forests (HoFF), Aranya Bhavan, Malleshwaram, Bengaluru.
6. The Chief Conservator of Forests, Bellary Circle, Bellary.
7. The Dy. Conservator of Forests, Bellary Division, Bellary.
8. M/s JSW Steel Ltd, P.O. Vidyanagar, Toranagallu, Ballari District-283 275.