

F. No. 8-07/2018-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi – 110003

Dated: 13th December, 2018

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

Sub: Diversion of 100.54 ha of forest land in Swamymalai Block, Sandur Taluk, Ballari district in ML no. 2290 of C-category mines in favour of M/s JSW Steel Ltd., Ballari, Karnataka.

Sir,

I am directed to refer to the Government of Karnataka's letter No. FEE 75 FFM 2017 dated 11.01.2018 on the above mentioned subject 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. After careful consideration of the proposal by the Forest Advisory Committee (FAC) constituted under Section-3 of the said Act, In-principle approval was granted vide this Ministry's letter of even number dated 26.04.2018 subject to fulfilment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government of Karnataka's vide their letters No. FEE 75 FFM 2017 dated 31.10.2018 and 24.11.2018, *Stage-II/Final* approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 100.54 ha of forest land in Swamymalai Block, Sandur Taluk, Ballari district in ML no. 2290 of C-category mines in favour of M/s JSW Steel Ltd., Ballari subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) The State Govt. shall ensure that the user agency may use only 100.54 ha of forest land and the excess forest land of 21.17 ha diverted illegally reverted back to the Forest department;
- (iii) Compensatory afforestation on 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 State 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 State 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 State Government ensure that the State 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 State Government shall ensure that the process of settlement of rights has been completed in favour of M/s JSW Steel Ltd. in accordance with provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;
- (vi) The State Government shall ensure that 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 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;
- (viii) The user agency shall implement the following approved activities/plans/schemes 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°; and
 - (e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- (ix) The State Government shall ensure that 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, 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



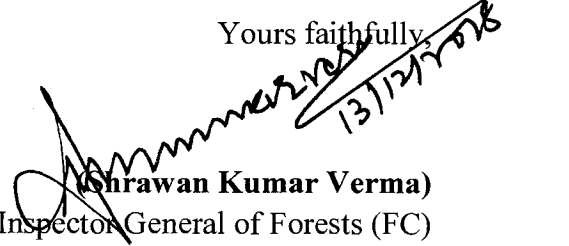
that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Addl. Pr. Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;

- (x) The State Government shall ensure that 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;
- (xi) The State Government shall ensure that 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.
- (xii) The State Government shall ensure that 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;
- (xiii) The State Government shall ensure that the User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xiv) The State Govt. and 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;
- (xv) The State Government shall ensure that the layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xvi) The State Government shall ensure that no labour camp shall be established on the forest land;
- (xvii) The State Government shall ensure that 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;
- (xviii) The State Government and 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;
- (xix) The State Government shall ensure that the forest land shall not be used for any purpose other than that 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;
- (xx) The State Government shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
- (xxi) The State Government shall ensure that 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;



- (xxii) Any other condition that the concerned Regional Office of this Ministry with the approval of competent authority may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxiii) 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;

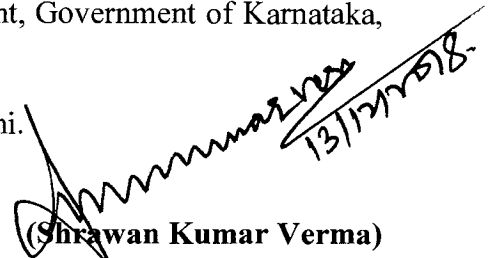
Yours faithfully,


13/12/2018

(Shrawan Kumar Verma)
Dy. 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), O/o PCCF, Forest Department, Government of Karnataka, Bangalore.
4. User Agency
5. Monitoring Cell of FC Division, MoEF & CC, New Delhi.
6. Guard File.


13/12/2018

(Shrawan Kumar Verma)
Dy. Inspector General of Forests (FC)