

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಅಧ್ಯಕ್ಷರು, 18ನೇ ಅಡ್ಡರಸ್ತೆ,

ಮಂಗಳೂರು, ಬೆಂಗಳೂರು-560 003

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(ಅಧ್ಯಕ್ಷರು) ರವರವರಿಗೆ

ಪ್ರಧಾನಮಂತ್ರಿ, ಅಧ್ಯಕ್ಷರು, ಅಧ್ಯಕ್ಷರು

Principal Chief Conservator of Forests

(Head of Forest Force)

To,

The Additional Chief Secretary to Government
Forest, Ecology & Environment Department
M.S. Building, Bengaluru-560 001

Sir,

Sub: Ex post facto approval for diversion of 235.648 hectare(revised

from 96.868 hectare) of forest land outside Mining Lease area
(M.L. No.2396) of Donimalai (DM) Block Forest (Near
Narsinghapura Village) in favour of Executive Director, M/s
NMDC Limited, Donimalai Township, Sandur Taluk, Ballari

Proposal No. FP/KA/Others/17464/2016 [Form-A]

Ref:

1. Online Proposal [FORM-A PART-I] dated 28-09-2018 (re-submitted) of M/s NMDC Limited, Donimalai r/w uploading of Acknowledgement online on 31-10-2018 for having delivered hard copy of proposal to jurisdictional DCF & DC r/w online EDS reply dated 16-03-2021 and dated 09-07-2022
2. This office online communication dated 15-11-2018 to Deputy Conservators of Forests, Ballari Division for further processing r/w EDS query letter's dated 02-09-2020 to revise the proposal to 235.648 ha from 96.868 ha and letter dated 08-03-2022 seeking essential information
3. Online submission of PART-II by Deputy Conservator of Forests, Ballari Division on 02-11-2019 r/w online reply dated 31-08-2021 of User Agency to the latest EDS query [Letter Nos. MI/MNG/ NMDC/Infrastructure/2018-19 dated 10-08-2021] and reply dated 05-07-2022
4. Online submission of PART-III by Chief Conservator of Forests, Ballari Circle on 06/06/2020 r/w online reply dated 12-10-2021 of Deputy Conservator of Forests, Ballari to the latest EDS query Letter MI/MNG/CR-05/2008-09(NMDC) dated 12-10-2021] and EDS reply dated 05-07-2022
5. Chief Conservator of Forests, Ballari Circle letter No.MI/MNG/CR-05/2008-09 (NMDC)/721 dated 20-07-2022

Old File No: A5(4).GFL.CR 15/2015-16 [3-Set]
E-office File No. KFD/HOFF/A5-4(GFL)/18/2018-FC

E-63549
Date: 25-08-2022
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1. Executive Director, M/s NMDC Limited, Donimalai Township, Sandur Taluk, Ballari [USER AGENCY] vide Ref (1) has submitted an online proposal [FORM-A PART-I] through FC Web Portal seeking approval under Section 2 of the Forest (Conservation) Act, 1980 (forex post facto approval for diversion of 235.648 hectare (revised from 96.868 hectare) of forest land outside Mining Lease area (M.L. No.2396) of Donimalai (DM) Block Forest (Near Narsinghapura Village). After acceptance of the proposal by Nodal Officer (FCA) for further processing, the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Ballari Division & Deputy Commissioner, Ballari District and has uploaded the Acknowledgment on the web portal on 31/10/2018. Accordingly, an online communication was made by Nodal Officer vide Ref (2) to the Deputy Conservator of Forests, Ballari Division, Ballari for further processing of the proposal under FC Act.

2. Location details and Component wise break up: Location details of the forest land proposed for diversion are given below.

District, Taluk, Hobli	Village	Sy No.	Forest extent proposed for diversion (Ha)	Legal Status of Land
Ballari District, Sandur Taluk, Sandur Hobli	Narsinghapura Village (Donimalai South Range)	Donimalai Block	235.648 ha	Donimalai Block Forest (D.M) Block Section 4 Notified *

**Government of Karnataka Notification No. FFD-29, FAF-29 dated 28-02-1985*

Component wise breakup of the forest land requirement for the project is given below.

Sl No.	Name of component	Forest extent proposed for diversion(ha)
1	Power Lines	10.49
2	Tunnel	0.57
3	Conveyor	2.74
4	Water Pipeline	0.85
5	Railway Line	0.39
6	Tailing Dam Area	43.69
7	Water Treatment Plant	2.57
8	Valley Store Area	3.42
9	Auto-garage	2.32
10	Mechanical Office	2.97
11	Water Tank Area	5.17
12	Screening Plant Area	4.55
13	Borewell Area	0.33

3. DCF, Ballari Division Report: The Deputy Conservator of Forests, Ballari Division, Ballari has inspected the site on 01-06-2021 and vide Ref (3) has submitted his Site Inspection Report along with recommendation in PART-II to Chief Conservator of Forests, Ballari Circle. The main features of the proposal based up on the Deputy Conservator of Forests, Ballari report r/w report of Chief Conservator of Forests, Ballari Circle and that of ICT Centre of Forest Department are summarized below.
- a. The forest land proposed for diversion is in general landscape of Eco-class III (Southern Dry Deciduous Forests) with 10% canopy density (Open Forest). [Note: The canopy density entered in Item 4(i) of PART-II of the proposal may be read accordingly.]
- b. As per Item 4(ii) of PART-II, there are 17631 trees of various girth classes on the forest land proposed for diversion. Main species include *Terminalia tomentosa*, *Boswellia serrata*, *Acacia catechu*, *Grewia tiliacifolia*, *Tectona grandis*, *Lagerstromia parviflora*, *Acacia auriculiformis*, *Hardwickia binata*, *Peltosipha marsepium*, *Pterocarpus marsupium*, *Grewia tiliacifolia*, *Gmelia arborea*, *Ficus religiosa*, *Diospyros melanoxylon*, *Azadirachta indica*, *Cassia fistula*, *Albizia lebbak*, *Feronia elephantum*, *Syzygium cumini*, *Acacia cosina*, *Pongamia pinnata*, *Anonassumosa*, *Albezzia amara*, *Ficus bengalensis*, *Dalbergia latifolia*, *Terminalia catappa*, *Ficus infectoria*, *Aegle marmelos*, *Santalum album*, *Eucalyptus* spp etc.
- c. The forest land proposed for diversion is prone to soil erosion and User Agency is required to take up Afforestation works and soil and moisture Conservation works in the proposed locked area (virgin area).
- d. The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
- e. Major Wild animals found in and around the project area include Leopard, Sloth Bear, Jackal, Wild Boar, Indian Porcupine, Pangolin, Mongoose, Four-headed Antelope, Hare, Monitor Lizard, Star Tortoise, Grey Partridge, Painted Bush Quail and Peafowl etc.
- f. There are no other rare / endangered / unique species of flora and fauna reported in the forest area proposed for diversion.
- g. There are no Protected/ Archaeological/ Heritage Sites/ Defence establishments or important monuments in the area.

Total		235.648
14	Stock Yard	1.5
15	Control Room	0.15
16	Roads	15.16
17	Interlocked area between infrastructures	138.778

1. The requirement of forest land for the project is bare minimum and unavoidable.

h. FC violation: The User Agency has executed work in the year 1977 (period of work done - 45 years) without prior approval as Forest (conservation) Act 1980 for an extent of 96.87 hectares and generally the Chief General Manager, NMDC limited will be responsible for all the mining activity but no action has been taken till date and also work in violation is still in progress and regularization for the violation under FC Act 1980 is under process the regularization may be considered subject to the imposition of penal NPV required and Non-forest land for Compensatory Afforestation as per prevalent rates from the User Agency.

4. **CCF, Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has inspected the site on 17-07-2021. However, agreeing with the recommendations of the Deputy Conservator of Forests, Ballari Division, he has also recommended the proposal. Specific comments of the Chief Conservator of Forests, Ballari Circle are mentioned in PART-III of the proposal cited at Ref (4) above.

5. **Compensatory Afforestation (CA):** The User Agency has proposed an extent of 235.648 hectares of non-forest land in Sy No. 295 of Appenahalli Village, Kudligi Taluk, Ballari District for Compensatory Afforestation purpose in which about 16% (38.04 ha) of the said area is suitable for afforestation. The Remaining area adjacent to the Gudekote Sloth Bear Sanctuary and falls within the Gudekote Eco-sensitive zone. These rocky patches which are not suitable for afforestation may be used as buffer zone / wildlife corridor for the Gudekote Sloth Sanctuary. The process of mutation and formal transfer of the said land is underway the Deputy Conservator of Forests, Ballari has inspected the said land on 25-06-2022 and has issued CA Land Suitability Certificate dated 05-07-2022. He has also submitted the CA Scheme. As the said land cannot support the required number (1000) of CA plants per hectare, the Deputy Conservator of Forests, Ballari has identified an extent of 197.607 hectare of degraded forest land, 79.804 hectares in Sy No. 165 of Somalapur Village and 117.804 hectares in Sy No. 1 of Ankmanalu Village Choranuru Hobli, Sandur Taluk, Ballari District to plant the remaining number of plants. The CA related documents (Topo Map, Geo-referenced Map with GPS reading of all corners, CA Scheme and CA Land Suitability Certificate, Maps and documents related to the Degraded forest for raising CA has been provided in the hard copies as well as in online) are enclosed herewith. The User Agency has also submitted an Undertaking to pay the Compensatory Afforestation charges.

- The User Agency has submitted most of the facilities or components for which the current diversion proposed is mooted were created before 1980. Further, the User Agency has not taken necessary approvals under provisions of Forest (Conservation) Act, 1980 and is endeavoring to do the same now. In proposal but also better management of the forest area.
- Actually, the area proposed for diversion is only 96.87 ha i.e. for regularization of the forest area occupied by NMDC without FC. Further, it was verified and found that the area contained at least 16 different kinds of linear and non-linear components, all interspersed thus leaving a large number of irregular shaped polygons which are not included in the 96.87 ha area but remain islands and leading to honey-combed situation. Such a situation is not advisable from forest protection and management point of view and is likely to result into confusion in future. It is also not in the interest of the User Agency from their management perspective. Thus, it was found better to include the 235.648 ha with the condition imposed on User Agency for maintaining the balance area (other than the actual component area) as a natural/virgin forest during the entire lease period. It will not only help in smooth processing of the

8. Additional information:

- prescribed format and submit a copy.
- User Agency is being informed again to obtain the said certificate in Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. The communicated by Government of India, Ministry of Environment, Forests and jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines the requisite **Certificate in FORM-II (for Hybrid projects)** issued by the Forests Rights) Act 2006 and Rules 2008, the User Agency has not furnished Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Status of RoFR compliance: With regard to compliance of the provisions of Present Value (NPV) of the forest land proposed for diversion.
- Agency has uploaded/submitted an Undertaking agreeing to pay the Net 2022 (regarding proposals applicable for revised rate of NPV). The User (regarding proposals applicable for revised rate of NPV) and dated 22-03-06-01-2022 (guidelines regarding revised rates of NPV), dated 19-01-2022 Conservation Division), New Delhi letter F.No. 5-3/2011-FC(Vol-I) dated Ministry of Environment, Forests and Climate Change (Forest applicable charges as per the order issued vide the Government of India, 5-2/2017-FC dated 28-03-2019. the User Agency will be required to pay the Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. Para 3.1 to 3.4 of the FC Guidelines communicated by Government of India, pay the Net Present Value (NPV) of forest land proposed for diversion as per 6. Net Present Value (NPV) and Penal NPV: The User Agency is required to

this regard, the User Agency has given an undertaking to the effect that, they would abide by the any penal clause imposed by the Government.

In light of the facts stated above, it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval for *ex post facto* approval for diversion of 235.648 hectare (revised from 96.868 hectare) of forest land outside Mining Lease area (M.L. No.2396) of Donimalai (DM) Block Forest (Near Narsinghapura Village) in favour of Executive Director, M/s NMDC Limited, Donimalai Township, Sandur Taluk, Ballari for a period of 20 years subject to submission of FRA Certificate in FORM-II (for Hybrid projects) and further subject to the conditions appended in Annexure 'A'.

The hard copy of the proposal along with the relevant documents in 3 sets is submitted herewith for further needful. The present status of the proposal obtained from the FC webportal is also appended for information.

Yours Faithfully


(Raj Kishore Singh IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)
olc

Copy to the:

1. Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. Deputy Conservator(s) of Forests, Ballari Division, Ballari for information and directed to provided degraded forest land details identified for raising CA i.e details such as Kml file, Topo-Map, Geo-reference Map etc,
3. Copy to the Executive Director, M/s NMDC Limited, Donimalai Township, Sandur Taluk, Bellary - 583118 for information and with a request to obtain and submit the RoFR Compliance Certificate in FORM-II from jurisdictional Deputy Commissioner as mentioned above at the earliest.


30-8-2022

ANNEXURE 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), Compensatory, Plantation cost of extraction of trees, land lease rent and any other levies as per the conditions of approval.
3. The User Agency shall demarcate the lease area in the manner specified at the time of approval at its own cost.
4. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
5. The leased-out area should be used for the purpose for which it is granted. In case the land is not used for the stipulated purpose within two years or when it is no longer needed for the stipulated purpose, the area would stand resumed to the Forest Department.
6. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
7. The application for renewal of the lease in the prescribed form and manner shall be submitted at least six months prior to the expiry of forest lease. In case no renewal is sought, the Lessee shall hand over the lease.
8. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
9. No crushing / breaking of stones or labour camp shall be allowed on forest land and all waste / debris generated shall be scientifically disposed off outside the forest area.
10. Any damage to forest area because of implementation of the proposal shall be compensated by the Lessee. The extent of damage shall be assessed by the jurisdictional Deputy Conservator of Forests/ Conservator of Forests/ Chief Conservator of Forests.
11. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
12. In case, any violation of the provisions of the Karnataka Forest Act, 1963 & Rules, 1969 or other relevant Acts/Rules is reported during the lease period, the lease will be liable for forfeiture under Section 82 of Karnataka Forest Act, 1963. The Chief Conservator of Forests / Deputy Conservator of Forests concerned are authorized to take necessary action in this regard.
13. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
14. The User Agency shall also abide by other conditions those may be imposed by the Government of India, Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force) before or after the approval.
15. Imposition of penal NPV and all other statutory payments as required.
16. The interlocked forest patch should be maintained as green lung space without damaging the forest area, duly demarcating with permanent boundary structures all along the already diverted area.

(Raj Kishore Singh IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)



PART-IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks. (While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon.)	Recommended for post facto approval for diversion of 235.648-hectare(revised from 96.868 hectare) of forest land outside Mining Lease area (M.L. No.2396) of Donimalai (DM) Block Forest (Near Narsinghapura Village) in favour of Executive Director, M/s NMDC Limited, Donimalai Township, Sandur Taluk, Ballaritor a period of 20 years subject to submission of FRA Certificate in FORM-II (for Hybrid projects) and further subject to the conditions appended in Annexure 'A'. [Form-A]
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Signature:

Name:

Designation:

(Vijay Sharma, IFS)

Principal Chief Conservator of Forests

(Forest Conservation) and Nodal Office (FCA)

Countersigned by:

Name:

Designation:

(Raj Kishore Singh IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)

(Official Seal)

N.D.O. No: 08/2022-23

Date: 30-08-2022

