

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

Office of the
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ
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Old File No. A5(1)/MNG/CR-15/2015-16
E-office File No. KFD/HOFF/A5-1(MNG)/31/2019-FC
Encl.: Three (3) sets of proposal

E-79014

Date 28-01-2021

11-62-

To,

The Additional Chief Secretary to Government
Department of Forest, Ecology and Environment
M. S. Building, Bengaluru

Sir,

Sub: Diversion of 75.92 hectare of forest land (near ML No. 2396 of NMDC) in Donimalai (DM) Forest Block, Sandur Taluk, Ballari District, for construction of new Screening Plant -II, Two Tailing dams (-I & II) and laying of Water Pipeline in favour of NMDC Limited, Donimalai Township, Sandur Taluk, Ballari District

Proposal No. FP/KA/Other/14576/2015 [FORM-A]

- Ref:**
1. Online (FORM-A PART-I) proposal dated 22-04-2016 (re-submitted) of M/s NMDC Limited, Ballari r/w uploading of Acknowledgment on 13-05-2016 for having delivered the hard copies of proposal to the jurisdictional Deputy Conservator of Forests and Deputy Commissioner
 2. This office's online communication dated 06-06-2016 to Deputy Conservator of Forests, Ballari Division, Ballari for processing of proposal and dated 18-07-2019 [EDS Query]
 3. Online submission of PART-II on 16-03-2019 and online reply dated 09-11-2020 (to EDS query) by Deputy Conservator of Forests, Ballari Division r/w online reply dated 20-07-2018 of User Agency to the latest EDS query [Letter No. MI/MNG/NMDC/M.L.No.1111/2018-19/1853 dated 19-02-2019 and dated 09-11-2020]
 4. Online submission of PART-III on 20-03-2019 and online reply dated 30-11-2020 (to EDS query) by Chief Conservator of Forests, Ballari Circle r/w online reply dated 09-11-2020 of Deputy Conservator of Forests, Ballari Division to the latest EDS query [Letter No. MI/MNG/RENEW/CR-11/1990-91(NMDC)/3682 dated 14-03-2019 and dated 30-11-2020]

1. The General Manager, M/sNMDC Limited, Donimalai Township, Sandur Taluk, Ballari District [USER AGENCY] has (re)submitted an online proposal

[FORM-A PART-I] on 22-04-2016 for diversion of 75.92 hectare of forest land (near ML No. 2396 of NMDC) in Donimalai (DM) Forest Block, Sandur Taluk, Ballari District, for construction of new Screening Plant -II, Two Tailing dams (-I & II) and laying of Water Pipeline. The same was accepted by Nodal Officer (FCA) on 07-05-2016 for further processing. After receiving the Acknowledgement online on 13-05-2016 from the User Agency for having delivered the hard copies of the proposal to the Deputy Conservator of Forests, Ballari Division and Deputy Commissioner, Ballari District, the FC web portal link was forwarded to the Deputy Conservator of Forests, Ballari Division on 06-06-2016 for field verification and further processing under Section 2 of the Forest (Conservation) Act, 1980.

2. **Location and component wise details of the project:** The location and component-wise requirement of the forest land for the project are given below.

District, Taluk, Name of Forest	Village	Sy No.	Project component		Forest extent proposed for diversion (ha)	Legal status of land
Ballari District, Sandur Taluk, Donimalai (DM) Forest Block	*	*	1	Screening Plant-II	12.96	Section 4 Notified Area #
			2	Tailing Dam-I	40.25	
			3	Tailing Dam-II	22.25	
			4	Water Pipeline	0.46	
Total (ha)					75.92	

*No Village and Survey numbers have been assigned to the forest land in question.

Government of Karnataka Notification No. FFD 29 FAF 84 dated 28-02-1985

3. **DCF, Ballari Division Report:** The Deputy Conservator of Forests, Ballari Division has inspected the site on 17-02-2019 and vide Ref (3) has submitted the Site Inspection Report dated 19-02-2019 along with other details in PART-II of the proposal (including reply to EDS query) to the Chief Conservator of Forests, Ballari Circle. Main features of the proposal as reported by the Deputy Conservator of Forests, Ballari Division r/w the report of Chief Conservator of Forests, Ballari Circle and also that of the ICT Centre of Forest Department are as follows.

- The forest land proposed for diversion is subject to soil erosion because of steep slope. Hence, the User Agency is required to take up Soil and Moisture Conservation works in proposed area.
- The forest land proposed for diversion is in the general landscape of Eco-class-III (Southern Tropical Dry Deciduous Forest) with a Canopy Density of 10% (Open Forest). [Note: The entry made in Item 4(i) of PART-II of the proposal may be read accordingly.]
- There are 26,099 trees in 31cm and above Girth Classes in the proposed forest land as per PART-II. Major trees species include *Chloroxylon swietenia*, *Anogiessus latifolia*, *Terminalia tomentosa*, *Lagerstroemia parviflora*, *Acacia catechu*, *Bassia longifolia*, *Tectona grandis*, *Dalbergia*

paniculata, *Pterocarpus marsupium*, *Boswellia serrata*, *Hardwickia binnata*, *Stereospermum chelonoides*, *Cassia fistula*, *Azadirachta indica*, *Santalum album*, *Embllica officinalis*, *Grewia tiliacifolia*, etc.

- d. Major wild animals found in and around the area include Leopard, Sloth Bear, Four-horned antelope, Jackal, Hare, Wild pig, Pangolin, Monitor lizard, Grey partridge, Peafowl, etc.
 - e. There are no other rare/endangered/unique species of flora and fauna reported in the area.
 - f. The forest land proposed for diversion does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, Wildlife Migration Corridor, etc.
 - g. The forest land proposed for diversion is not located within one kilometre of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, Wildlife Migration Corridor, etc.
 - h. The forest land proposed for diversion is not located within Eco-sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972. The area is 15.50 km away from the Daroji Bear Sanctuary and 14.11 km away from its Eco-Sensitive Zone (ESZ). Further, it is 19.50 km away from the Gudekote Bear Sanctuary and 14.38 km away from its ESZ.
 - i. There are no Protected Archaeological/ Heritage Site/ Defence Establishment or any other important monument located in the area.
 - j. The requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project.
 - k. There is no violation reported under Forest (Conservation) Act, 1980.
4. **CCF Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has inspected the site personally on 13-03-2019 and vide Ref (4) has submitted the recommendation in Item No. 16 of PART-II/III of the proposal. Agreeing with the opinion of Deputy Conservator of Forests, Ballari Division, the Chief Conservator of Forests, Ballari Circle, has also recommended the proposal.
5. **Net Present Value (NPV):** The instant proposal being a fresh FC proposal, the User Agency is required to pay the Net Present Value (NPV) of forest land proposed for diversion as per Para 3.1 to 3.4 of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. Accordingly, the **User Agency has agreed to pay the charges towards Net Present Value (NPV) and has uploaded / submitted an Undertaking in this regard.**
6. **Compensatory Afforestation (CA):** The User Agency being a Central Government agency is governed under Para 2.5(i)(f) of the latest FC Guidelines

communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019 and hence the CA can be raised at the cost of User Agency on degraded forest land twice in extent of the forest area proposed for diversion. Even then, the User Agency has identified the following non-forest government C & D class land for raising CA.

District	Taluk	Hobli	Village	Sy No.	Extent (ha)
Ballari	Kudligi	Gudekote	Appenhalli	295	56.572
			Kasapura	432	19.348
Total					75.92

Both these areas are adjacent to Gudekote Bear Sanctuary. Though being rocky and thus not much suitable of raising plantation, as reported by the field officers, these areas can be used as buffer zone/ wildlife corridor for Gudekote Bear Sanctuary. The CA land details such as Topo Map, Geo-referenced Map, KML file and GPS readings have already been uploaded in PART-II of the proposal and have also been enclosed herewith. Therefore, in accordance with Para 2.8 (i) of the FC Guidelines issued by Government of India vide letter F.No. 5-2/2017-FC dated 28-03-2019, the balance CA seedlings will be planted in equivalent degraded forest land as per the Working Plan prescriptions. Such details along with the CA scheme for such degraded forest land will be submitted in due course after Stage-I approval. In this connection, the Deputy Conservator of Forests, Ballari Division has been instructed to submit the revised CA scheme as per the abovementioned guidelines.

7. FRA Compliance: The User Agency is required to obtain RoFR Compliance Certificate in FORM-II (for Nonlinear/Hybrid Projects) issued by jurisdictional Deputy Commissioner as per guidelines issued by GOI, MOEF&CC, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019 before final approval under FC Act. The User Agency has already obtained and submitted a copy of RoFR Compliance Certificate in FORM-II (for Nonlinear/Hybrid Projects) issued by the Deputy Commissioner, Ballari District vide letter No. Rev/Mining/F.R.A/93/2017-18 dated 13-09-2019. **Copy of the same is enclosed herewith.**

8. Forest Clearance for connected Mining Lease (ML) No.2396 of the User Agency:

- The Government of India vide letter F.No. 8-107/91-FC dated 04-02-1997 had accorded prior approval for diversion of 608.00 hectare of forest land in Donimalai (DM) Block Forest in Sandur Range in favour of M/s NMDC Limited under Section 2 of the Forest (Conservation)

Act, 1980. The FC period was co-terminus with lease under MMDR Act subject to a maximum of 30 years, i.e., maximum up to 03-02-2027.

- b. Accordingly, the Government of Karnataka vide Order No. FEE 17 FFM 90 dated 28-07-1999 accorded sanction of the forest lease with the lease period co-terminus with the period of mining lease under MMDR Act 1957 subject to a maximum of 30 years whichever is earlier(Condition No. 7 of the order).

"The period of lease of forest land shall be co-terminus with the period of mining lease under M&M(R&D) Act, 1957 subject to a maximum of 30 years, whichever is earlier."

Thus, the Forest Clearance was valid for a period maximum up to 03-02-2027 subject to the currency of mining lease.

- c. Later on, the Government of India, MoEF&CC (FC Division), New Delhi vide letter No. 8-107/91-FC(pt) dated 06-02-2009 (*but wrongly mentioned as 06-02-2008*) had accorded approval for continuation of the mining during the validity of the mining lease under the MMDR Act within the already approved period as per already approved conditions.
- d. Accordingly, the Government of Karnataka vide Order No. FEE 154 FFM 2008 dated 25-08-2011 had accorded approval for renewal of FC. As per Condition No. 4 of the said Order, the lease period under the FC Act, 1980 was for a period of 20 years w.e.f. 04-11-2008 and was co-terminus with the MMDR lease
- e. In the meantime, the Government of Karnataka (Commerce and Industries Department) vide Order No. CI 32 MMM 2020 dated 17-12-2020 has directed the Director of Mines and Geology (DMG) to execute conditional mining lease deed to be with effect from 03-11-2018 in favour of M/s NMDC Limited for a period of Four (4) years or the till the implementation of High Level Committee Report, whichever is earlier.
- f. Accordingly, the Government of Karnataka (Forest, Ecology and Environment Department) vide letter No. FEE 71 FFM 2020 (e) dated 19-12-2020 has directed this office to permit the User Agency (M/s NMDC Ltd.) to carry out the mining activities till the currency of FC lease period up to 03-02-2027 or up to the period of mining lease granted by the Government of Karnataka Order dated 17-12-2020 mentioned above, whichever earlier.

9. Additional Information and specific opinion:

- a. The NMDC limited (User Agency) has the following FC (Stage-I/II) approvals and proposals under process for seeking Stage-I approval in and around the ML No.2396.

Proposal No.	Project Name and details	Forest extent (ha)	Status of FC	Stage-I / II approval (GOI letter No. and Date)
Offline	Extension of mining lease No.2396 M/s. National Mineral Development Corporation(NMDC), Donimalai over an extent of 608 ha of forest land in Donimalai Reserve Forest, Sandur Range, Bellary District-Granting of extension of mining lease beyond 03-11-2008	608.3	Stage-II approved	8-107/91-FC dated 06-02-2009
Offline	Diversion of 4.01 ha. (earlier 2.884 ha) of forest land in (2.16 ha in Bhujanganagara & 1.85 ha. in Narsingapura Villages) in Donimalai Forest Block, Section -4 notified area in Bellary Division for construction of 110 KV Power Transmission line from 110/33/11 KV MUSS, Donimalai to Pellet Plant	4.01	Stage-II approved	4-KRB1062/2014-BAN/2036 dated 01-02-2017
FP/KA/OTHERS /17464/2016	Diversion of 235.648 ha (regularization of 97.938 ha. outside ML area of donimalai & additional patch of 137.71 ha land locked) forest land that lies between infrastructure facilities at Donimalai complex	235.648	Under process for Stage-I approval	-
FP/KA/Others/1 4576/2015	Diversion of 75.92 ha forest land for construction of New Screening Plant, Tailing dam(s), Slurry Pipeline corridor, and Water Pipeline corridor at Donimalai Complex of NMDC Limited	75.92	Under process for Stage-I approval	Instant proposal
Grand Total		923.878		

A detailed component-wise breakup of above projects/proposals is enclosed herewith as **ANNEXURE-I**. As is evident from the scrutiny of all above proposals, it is observed that the User Agency has been submitting FC proposals on piecemeal basis resulting in honey-combing of the diverted forest land in different FC proposals.

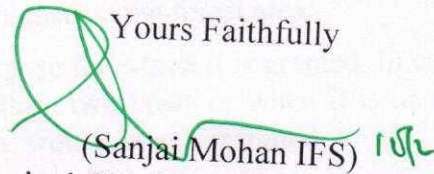
- b. Forest land proposed for diversion supports around 26,099 trees of native species in 31cm and above girth classes, it is opined that forest diversion in the instant proposal may be considered with the condition that all efforts will be made by the User Agency to retain the existing tree growth and only the bare minimum number of trees essential for the purpose will be felled after obtaining permission from the Forest Department.
- c. To get the clear picture about the different activities of the User Agency, a consolidated proposal incorporating all proposals which are approved or yet to be approved will be submitted to the State Government.

In light of the facts stated above and agreeing with recommendation with field officers, **it is requested to move the proposal with the Government of India for**

according 'in-principle' (Stage-I) approval for diversion of 75.92 hectare of forest land (near ML No. 2396 of NMDC) in Donimalai (DM) Forest Block, Sandur Taluk, Ballari District, for construction of new Screening Plant -II, Two Tailing dams (-I & II) and laying of Water Pipeline in favour of NMDC Limited, Donimalai Township, Sandur Taluk, Ballari District subject to retention of natural tree growth and subject to the conditions specified 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 (Timeline) of the proposal obtained from the web-portal is also appended for ready reference.

Yours Faithfully


(Sanjai Mohan IFS)


Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. Deputy Conservator of Forests, Ballari Division, Ballari for information.
3. General Manager, NMDC Limited, Donimalai Township, Sandur Taluk, Ballari District -583 118 for information.

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 mining operation and transportation of mined ore shall be under taken between sunrise and sunset only.
5. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
6. 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.
7. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
8. 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.
9. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
10. No labour camp shall be allowed on forest land and all waste / debris generated shall be scientifically disposed off outside the forest area.
11. 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.
12. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
13. 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.
14. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
15. 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.


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)

<p>Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks</p> <p>(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).</p>	<p>Recommended for moving the proposal with the Government of India , for according 'in-principle' (Stage-I) approval for diversion of 75.92 hectare of forest land (near ML No. 2396 of NMDC) in Donimalai (DM) Forest Block, Sandur Taluk, Ballari District, for construction of new Screening Plant -II, Two Tailing dams (-I & II) and laying of Water Pipeline in favour of NMDC Limited, Donimalai Township, Sandur Taluk, Ballari District subject to retention of natural tree growth and subject to the conditions specified in Annexure 'A'.</p> <p>Proposal No. FP/KA/Others/14576/2015 [FORM-A]</p>
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Signature:

RAJIV RANJAN IFS

Principal Chief Conservator of Forests
(Forest Conservation) AND
Nodal Officer (FCA)

Name:
Designation:

Countersigned by :

SANJAI MOHAN IFS

Principal Chief Conservator of Forests
(Head of Forest Force)

Name:
Designation:

N.D.O. No: 89/2020-21

(Official Seal)

Date: 11 -02-2021