



OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
BALLARI DIVISION, BALLARI

No.M1/MNG/NMDC/Infrastructure/2018-19

Dated: 10.08.2021.

To,

The Chief Conservator of Forests,
Ballari Circle, Ballari

Sir,

Sub: Diversion of 235.648 ha (Regularization of 96.868 ha in use of ancillary activities and 138.78 ha interlocked forest patches between these infrastructures) of forest land in Donimalai Forest Block, Sandur South Range, Sandur Taluk, Ballari District in favour of M/s. NMDC Limited, Donimalai-Reg., (**Online Proposal No. FP/KA/Others/17464/2016**)

- Ref : 1) Online Proposal No. FP/KA/Others/17464/2016
2) Letter No.A5(4)/GFL/CR 15/2015-16 Dt. 02.09.2020 of the Principal Chief Conservator of Forests (Forest Conservation), Bengaluru
3) This office even number letter Dt.19.05.2020
4) This office even number letter Dt. 28.09.2020
5) Letter No. ACF/TA/M/s.NMDC/2396/2020-21 Dt. 01.04.2021 of the Assistant Conservator of Forests, Ballari Sub-Division, Ballari

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With reference to the above subject, office of the undersigned had submitted the proposal for diversion of 96.868 ha of forest land (Regularization of 96.868 ha outside ML area of Donimalai) that has been in use for various infrastructure facilities in favour of M/s. NMDC Limited, Donimalai vide letter under Ref(3). Further, the Principal Chief Conservator of Forests (Forest Conservation), Bengaluru has directed the undersigned through Chief Conservator of Forests, Ballari Circle, Ballari to obtain the corrected information in PART-I & II on FC web portal and revise the hard copies of all documents (including maps) and to submit revised proposal vide letter under Ref(2).

A detailed discussion was held on 25.11.2020 through Video Conference in Chairmanship of the Principal Chief Conservator of Forests (Forest Conservation), Bengaluru. between representatives of M/s. National Mineral Development Corporation (NMDC) Limited and directions issued to M/s. NMDC Limited to submit proposal for 235.648 hectares including interlocked Forest patches (138.78 ha). Accordingly, M/s.NMDC Limited has submitted the revised proposal through competent authority for diversion of 235.648 ha (Regularization of 96.868 ha in use for ancillary activities and 138.78 ha interlocked forest patches between these infrastructures) of forest land in Donimalai Forest Block, Sandur South Range, Sandur Taluk, Ballari District in favour of M/s. NMDC Limited, Donimalai vide letter under Ref(5).

A perusal of the records submitted and upon personal visit to the proposed site on 01st June 2021, it is observed that proposed forest area falls in Donimalai Forest Block of Sandur South Range, Sandur Taluk, Ballari District, which is generally having Southern Dry Deciduous Type of Forest (Eco- class III). Accordingly to the User Agency, the facilities or components for which the current diversion proposed in mooted were created before 1980. Hitherto The User Agency has failed to take necessary approvals under provisions of Forest

(Conservation) Act, 1980 and is endeavoring to do the same now. Further, elucidated here under are the details about the Lease and the instant proposal;

Details of proposed project are as below:-

M/s.NMDC Ltd., Donimalai Sandur, is having following two(2) mining leases

- (a) M/s. Kumaraswamy Iron Ore Mines (KIOM) ML No. 1111 over an extent of 341.20 Ha whose annual production capacity is 7 MTPA.
- (b) M/s. Donimalai Iron Ore Mines (DIOM), ML No 2396 over an extent of 608 Ha whose annual production capacity is 7 MTPA from Donimalai Iron Ore Mines.

The Status of Mining Lease are as below;

- a) **Details of Lease under MMRD;** Mining Lease was granted (vide C & I Notification CI 224 EMO 1967 Dt.03.04.1968 CI 184 EMO Dt.08.10.1968. Accordingly, the mining lease deed was executed on 04.11.1968 for a period of 20 years. Thereafter, mining lease deed was executed on 02.05.2003 for period of 20 years with effect from 04.11.1988. **Thus making it valid up to 03.11.2008.** Further, the Department of Commerce and Industries has accorded in-principle approval for a period of 20 years with effect from 04.11.2008 over an extent of 608 hectares. Recently, the State Government had granted extension order vide letter No. CI 78 MMM 2016 Dt.02.11.2018 for further 20 years i.e.03.11.2038. Further, this extension order is withdrawn by State Government vide letter Dt.17.08.2019. Further, the Commerce and Industries Department, Government of Karnataka has passed an order (No. CI 32 MMM 2020 Dt. 01.12.2020) permitting NMDC to commence mining operation as interim measure. Sl. No. 3 of the said order reads "Subject to availability of necessary statutory approval under the Forest Conservation Act and Environmental Protection Act and any other applicable law, Dept of Mines and Geology shall take necessary steps to ensure issue of Mineral Dispatch Permits to M/s NMDC Ltd". Further, the Commerce and Industries Department, Government of Karnataka has passed an order (No. CI 32 MMM 2020 Dt. 10.02.2021) permitting NMDC to commence mining operation for a period of 20 years with effect from 03.11.2018. The Director, Mines & Geology Department has executed the Conditional Mining Lease deed on 12.02.2021 for period of 20 years with effect from 04.11.2018. **Thus making the Mining Lease valid up to 03.11.2038.**

- b) **Details of Lease under FC;** The Ministry of Environment and Forests, Government of the India, New Delhi has accorded approval for Forest Clearance under the provisions of Section-2 of Forest (Conservation) Act, 1980 (vide file No. 8-107/91-FC Dt. 04.02.1997) and the Government of Karnataka Order No. FEE-17, FFM-90 Dt. 28.07.1999 for diversion of 608 hectares of forest land in Donimalai Forest of Sandur Dist in favour of M/s. NMDC Limited for a period co-terminus with the period of mining lease under (R&D) Act, 1957 subject to a maximum of 30 years, whichever is earlier. i.e. thus reading upto 03.11.2008. Further, The Ministry of Environment and Forests, Government of the India (vide file No. 8-107/91-FC Dt. 06.02.2008[06.02.2009]) and Government of Karnataka (vide Order No. FEE-154, FFM-2008 Dt. 25.08.2011) have accorded approval for Forest Clearance under the provisions of Section-2 of Forest (Conservation) Act, 1980 for diversion of 608 hectares of forest land in Donimalai Forest of Sandur Dist in favour of M/s. NMDC Limited is for a period of 20 years with effect from 04.11.2008 co-terminus with the

MMRD lease. In pursuance of above, Forest Lease Agreement was signed on 08.04.2013. The Operation of the mines were stopped on 03.11.2018 based on the directions received from the office of the Additional Principal Chief Conservator of Forests, (Forest Conservation) and Nodal Officer (FCA), Bangalore vide letter No. A5(1).MNG.CR.11/2007-08 Dt.02.11.2018. Further, as per directions of the Government of Karnataka, the Principal Chief Conservator of Forests (Forest Conservation), Bangalore has directed the undersigned to permit mining activities in Mining Lease No.2396 upto 03.02.2027 and thus the mine operation have resumed from 18.02.2021.

II. Current diversion of proposal;

- c) **Extent of area proposed:** M/s. NMDC Limited has applied for diversion 235.648 ha (Regularization of 96.868 ha in use of ancillary activities and 138.78 ha interlocked forest patches between these infrastructures). The Details of component wise breakup of the proposed area is as below;

Sl. No.	Component	Forest Area (in 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
14	Stock Area	1.50
15	Control Room	0.15
16	Roads	15.16
17	Interlocked area between infrastructures	138.778
	Total	235.648.

All 16 components of the proposal listed above have been installed / constructed and are operational / in use by the User Agency. The existing Screening Plant was (Sl.No.12) originally installed to process the Iron ore from ML No.2396 (DIOM). However, currently about 1 MTPA of Iron ore from ML No.1111 (KIOM) is also being processed here (Under the Authriostation by CEC vide letter No.2-87/CEC/SC/2017 Dt. 26.10.2017) till the new Screening Plant proposed exclusively for ML No.1111 becomes operational.

- d) **Net Present Value (NPV):** M/s. NMDC Limited, Donimalai has submitted an undertaking for remittance of Net Present Value (NPV) over an extent of 96.87 hectares which is required for regularization. However, M/s. NMDC Limited, Donimalai has submitted the proposal for 235.648 hectares, in this regard, Net Present Value may be recovered for an area of 235.648 hectares only. Further, M/s. NMDC Limited has established the infrastructure and used 96.868 ha of forest land without

Forest Clearance under Forest (Conservation) Act, 1980. In this regard, penalty / interest on NPV charges (from 1977 or commencement of FC Act, 1980) may be imposed on the user agency for the violation of Forest (Conservation) Act, 1980 as per the provision of the Act.

- e) **Compensatory Afforestation (CA):** The user agency has identified C & D land Sy.No.295 of Appenalli Village, Gudekote Hobli, Kudligi Taluk, Ballari District over an extent of 235.648 hectares. 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 Bear Sanctuary. Therefore, the CA amount may be used for afforestation in the degraded forest area to be identified and proposed.

The User Agency has submitted the undertaking for remittance of CA charges as per Guidelines No. 2.5(i) of Forest Conservation Act for Raising of Compensatory Afforestation in degraded Forest land twice in extent of the forest area diverted.

- f) **Note on Existing Infrastructure ;** The User Agency has submitted that, most of the facilities or components for which the current diversion proposed is mooted were created before 1980. Hitherto, the User Agency has not taken necessary approvals under provisions of Forest (Conservation) Act, 1980 and is endeavoring to do the same now. In 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.

- g) M/s, National Minerals Development Corporation Limited, Donimalai, Sandur has submitted the Certificate in Form-II under Forest Rights Act-2006 from the Deputy Commissioner, Ballari over an extent of 235.648 hectares (Copy enclosed with proposal).

- h) The proposed forest land is not part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger reserve, Elephant Corridor, etc. Further, the proposed area is 18.30 km away from the Daroji Sloth Bear Sanctuary and 17.00 kms away from Eco-sensitive zone of Daroji Sloth Bear Sanctuary. It is 16.10 km away from the Gudekote Sloth Bear Sanctuary and 11.60 kms away from Eco-sensitive zone of Gudekote Sloth Bear Sanctuary.

The proposal for diversion of 235.648 ha (Regularization of 96.868 ha in use of ancillary activities and 138.78 ha interlocked forest patches between these infrastructures) of forest land at Donimalai Complex, Donimalai Forest Block, Sandur South Range, Sandur Taluk, Ballari District in favour of M/s. NMDC Limited, Donimalai is submitted for further consideration.

This is submitted for your kind information and needful action.

Yours Faithfully,

Sd/-

Deputy Conservator of Forests
Ballari Division, Ballari

- 1) Copy submitted to the Principal Chief Conservator of Forests (Forest Conservation), Bengaluru for kind information.
- 2) Copy to the M/s. NMDC Limited, Donimalai for information.



Deputy Conservator of Forests
Ballari Division, Ballari

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