

Sub: Diversion of 315.813 ha of forest land for Bailadila iron ore mining project in favour of M/s NMDC Limited in Dantewada Forest Division in Dantewada district of Chhattisgarh

1. The State Government of Chhattisgarh vide its letter dated 19.11.2010 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. The Iron ore to be produced from this mining had been proposed to be used in the Vizag Steel Plant, Essar Steel and other Pig Iron Plants likely to come up in the area.
2. The proposal pertains to Bailadila-Kirandul Iron Ore complex in Dantewada District of Chhattisgarh. The Iron ore to be produced from this mining lease area proposed to be used in the Vizag Steel Plant, Essar Steel and other pig iron plants likely to come up in the area. The additional quantities of iron ore would be exported to Japan, South Korea and China etc. The proposed is located entirely in the Bailadila Reserve Forests of Dantewada Forest Division.
3. The proposal was considered by the Forest Advisory Committee (FAC) in its Meeting held on 26.08.2011 and the Committee, on the ground that area is located deep in undisturbed forest area, high biodiversity value, hilly terrain (involving 122 ha), no reclamation in any of the earlier mined areas by the NMDC, adequacy of the existing reserve of NDMC to meet their need, the Committee recommended the proposal for rejection. The above recommendations of the FAC were accepted by the Ministry and accordingly, the State Government was informed about the rejection of the proposal vide this Ministry's letter dated 9th January, 2012.
4. The State Government of Chhattisgarh vide its letter dated 5.06.2013 forwarded the justification furnished by the user agency to the observation of the FAC along with Approved progressive Mine Closure Plan, Biodiversity Survey and Conservation Plan. The State Government has also submitted that proposed iron ore project will be implemented by the Joint Venture Company (51:49) set up by the Chhattisgarh Mineral Development Corporation (CMDC) and National Mineral Development Corporation (NMDC) with an objective of the project is to provide iron ore to the iron based in the State of Chhattisgarh.
5. The project proponent, regarding reclamation of earlier mines, has indicated that all mining leases are active and presently no mined out area is available for reclamation. As such excavation is continuing till date within the broken land. It is also mentioned that proposed reclamation strategy is covered in the progressive mine closure Plan. Mined out area of 591.125 ha has been proposed to be covered under the reclamation as per the Mining scheme.
6. With regards to adequacy to existing mining reserve of NDMC to meet their iron ore needs, it has been mentioned that NMDC has been working in the Bailadila Iron complex since 1968. The State Government of Chhattisgarh has more than 85 sponge iron ore plants and given the external commitments of supplying iron ores, NMDC is able to meet only a part of iron ore requirements of the plants located in the State of Chhattisgarh. Beside this a new 3 MTPA Integrated Steel Plant at Nagarnar, Bastar, Chhattisgarh is also coming up shortly. The current production capacity of iron ore from Bailadila Sector is 36 MTPA against the projected demand of 50 MTPA leaving a shortfall of 14 MTPA. Existing production of iron from existing mines of NMDC cannot meet the total requirement of ore. Thus there is need of opening new iron ore mines in the Bailadila.
7. Further, with regards to biodiversity value of the area, NDMC has suggested a Habitat Development Programme over 412 ha to be divided into 20 annual working areas. A plan of worth Rs. 8.05 crores for a period of 20 years has been submitted by the NMDC for covering soil and water conservation, improvement of fodder and grass lands, improvement of tree cover, conservation awareness and ecological monitoring etc.

8. In view of the above justification, the State Government has further requested this Ministry for re-consideration of the project. The request of the State Government was examined by the MoEF and the competent authority of the MoEF has approved the request of the user agency to re-consider the proposal.

9. The proposal along with the justification furnished by the State Government for re-consideration of the project will be placed before the Forest Advisory Committee in its forthcoming meeting.

10 The proposal was considered by the FAC in its meeting held on **29th to 30th April, 2014** and the Committee recommended as under:

- i. In view of the contradiction in observation of the user agency and the Nodal Officer of the State Government and the Regional Office of the MoEF about the physical status of the forest land Regional Office may be asked to re- inspect the site along with some senior officer of the State Government and submit a detailed Site Inspection Report along with Clear and unambiguous recommendations.
- ii. The State Government may submit their comments on the observation of the Site Inspection Officer in Site inspection Report of 2011 about the requirement of the forest land for some of the item of works.
- iii. The User Agency should also furnish the status of reclamation of mined areas in the deposit 14 of Bailadila complex which is being mined since 1963 and now exhausted of the minerals.
- iv. The State Government may also require to submit following information
 - a. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with MoEF's guidelines dated 3/8/2009 and 5th July 2013
 - b. Duly authenticated Differential GPS maps of the land proposed for diversion and land identified for CA, 10 Km radius map indicating the position of the Protected Areas and other mines and forest cover map of the proposed area.
 - c. Revised CA scheme after identifying non forest land for CA, along with site suitability certificate.
- v. The above recommendations of the FAC were communicated to the Regional Office of this Ministry and State Government of Chhattisgarh by the Ministry vide its letter dated 26.05.2014. The Regional Office, Bhopal vide its letter dated 24.06.2014 has submitted the site inspection report of the area.
- vi. As per the site inspection report the user agency has revised the area required for mining project to the tune of 315.813 ha (315.813 ha proposed originally). Out of the 315.813 ha proposed for diversion 99.553 ha area for environment conservation shall not be disturbed by the project proponent and tree felling will be limited to 216.26 ha only. Total number of trees proposed to be removed shall be limited to 36,332. However felling will be limited to 17,142 trees in 194.80 ha over a period of 30 years of mining lease and will be done in phased manner.
- vii. The Principal Chief Conservator of Forests, State Government of Chhattisgarh, Raipur vide their letter No. *Bhu-Praband/Khanij*/331-42/1634 dated 23.07.2014 has also furnished the compliance in respect of Ministry's letter dated 26.05.2014. Summary of the same is given as under:
 - (a) Regarding contradiction in the area as observed by the FAC (Para 1 (i)) above, the State Government has informed that the Regional Office, Bhopal has in its Site Inspection Report (SIR) dated 24.06.2014 informed that the proposed diversion area of 315.813 ha was reduced after site inspection to 315.813 ha.

- (b) The State Government has submitted their comments on the SIR of the Regional Office. In fact the proposal has been revised and revised, item-wise break-up of the forest land proposed for diversion after exclusion of 97.932 ha of thickly wooded area, is as below

Table 1 (Revised Land use)

S. no	Particulars	Area in ha
1	Area under mining	122.00
2	Approach road	7.930
3	Infrastructure	36.330
4	Waste dumps	45.450
5	Toe wall for waste dumps	4.550
6	Area for environmental conservation works	99.553
7	Revised area	315.813

Table 2 (Break-up of infrastructure area (36.33Ha)

S. no	Particulars	Area in ha
1	Mineral storage	6.00
2	Dumper repair shop	4.00
3	Road, Conveyor, Site office, water pipeline	12.00
4	Electric sub-station	2.00
5	Central stores	3.00
6	Mining office, First Aid room, Training & Safety office, Time office and Industrial Canteen	3.53
7	Security barrack and watch towers	3.00
8	Dumper and HEM washing platform	1.50
9	Dumper platform	1.05
10	Effluent Treatment Plant	0.25
	Total	36.33

Table 3 (Break up of area for Environmental Conservation works (99.553 ha)

S. no	Particulars	Area in ha
1	Buttress wall, contour drain, etc at toe of waste	13.020

	dumps	
2	Area under check dams & soil erosion control measures	20.000
3	Area in patches retained between waste dumps and mining area for soil conservation works.	60.233
5	Safety zone area	6.300
	Total	99.553

- (c) Area requirement for active mining and OB dumping is not 29.31 ha in first 20 years as was observed by the Regional Office in its earlier site inspection reports but would be 92.03 ha (69.05ha for mining & 23.03 ha for OB dumping). However, Government of India, Ministry of Mines, New Delhi vide letter no: 5/166/2006-M-IV dated 13/02/2007 addressed to the Secretary to the Govt. of Chhattisgarh, MRD, Raipur has conveyed the approval of Government of India to the grant of Mining lease for iron ore over an area of 315.813 ha of Biladila Deposit no: 13 in favour of NMDC Limited for a period of 30 years. The period of Forest clearance will be co-terminus with period of Mining Lease. Hence, the area requirement upto 30 year shall be considered for diversion of forest land for mining, OB dumping and the area required for various infrastructure facilities which shall come up in 5 years period. However, the area required for mining and OB dumping beyond 30th year till life of mine i.e. upto 40th years can't be excluded as the area is within ultimate pit boundary. It is to further clarify that user agency shall undertake tree felling in a phased manner over a period of time with prior approval of Forest Department as per the requirement of area for mining, OB dumping and for other facilities. Further, trees felling will be done only in case of necessity.
- (d) As regard status of reclamation of the mined out area of the Deposit 14 it is stated by the state government that in 1965 the proved mineral reserve was only 101 million tonnes and production capacity was 2 million tonne per annum. However with advancement in prospecting technique the proven mineral reserve has gone upto to 483.78 million tonne. Till date the ore excavated is 142.54 million tones and balance iron ore reserve available are 341.24 million tonnes. The production capacity of Deposit-14 mine is 5 million tonnes per annum. Based on current iron ore reserves and production capacity of mine, the life of mine is 68 years and therefore the mining in deposit 14 is continuing. Since Excavation for iron ore continues till date within the broken land, reclamation could not be done in the position during different periods.
- (e) However, NMDC has proposed reclamation programme over 199.195Ha of Bailadila Deposit-14 based on progressive Mine Closure Plan of Mining Scheme of Bailadila Deposit-14 which is duly approved by IBM.
- (f) Regarding revised CA scheme, as per the recommendation of the FAC, the State Government has informed that as per shareholders agreement and joint venture agreement between NMDC and CMDC, the ratio of equity holding of NMDC and CMDC in the company is 51% and 49% respectively. Thus, NMDC is a major shareholder in the Joint venture Company and being a central Public Sector Undertaking is eligible for carrying out the compensatory afforestation over degraded forest land twice to the extent forest area proposed for diversion. The revised forest area proposed for diversion is 315.813 ha. The cost of CA works out to Rs. 29 Cr at the prevailing rates of Government of Chhattisgarh, Forest Department @ Rs. 4,51,000 per ha.

- (g) A copy of Survey of India toposheet depicting the area identified for CA along with the geo-graphical coordinates and CA scheme of 10 years has also been submitted by the State Government.
 - (h) Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted in accordance with the MoEF&CC's letter dated 3.08.2009 read with Guidelines dated 5.02.2013 and 5.07.2013.
- viii. With regard to adequacy to existing mining reserve of NDMC to meet their iron ore needs, it has been mentioned that NMDC has been working in the Bailadila Iron complex since 1968. The State Government of Chhattisgarh has more than 85 sponge iron ore plants and given the external commitments of supplying iron ores, NMDC is able to meet only a part of iron ore requirements of the plants located in the State of Chhattisgarh. Beside this, a new 3 MTPA Integrated Steel Plant at Nagarnar, Bastar, Chhattisgarh is also coming up shortly. The current production capacity of iron ore from Bailadila Sector is 36 MTPA against the projected demand of 50 MTPA leaving a shortfall of 14 MTPA. Existing production of iron from existing mines of NMDC cannot meet the total requirement of ore. Thus there is need of opening new iron ore mines in the Bailadila.
- ix. Mining Plan along with Progressive Mine closure plan has been duly approved by IBM, Nagpur. Mined out areas will be taken up for afforestation as soon as they become passive. Afforestation will be started in the 3rd phase i.e from 11th year onwards on the exhausted mine benches.
 - x. The Regional Office, Bhopal in its revised Site Inspection Report has pointed out that an aerial view of the deposits 11 and 14, which are being worked by NMDC clearly shows that OB dumps were not being managed properly and that soil and silt are seen flowing into the adjoining forest land. Preventive measures have to be taken by the user agency immediately. It was also observed that for afforestation purpose exotic species have been used in deposit 14. This has to be discouraged. Only local indigenous species have to be used for afforestation purposes and formation of green belt etc.
 - xi. A detailed conservation plan for Bailadila Deposit-13 mining lease prepared by M/s. Indian Institute of Bio-Social Research and Development, Kolkata has been approved by the Chief Wildlife Warden, Forest Department, Govt. of C.G, Raipur vide letter S.No-113/2014/973 dated 01/04/2014. User agency has committed to undertake the conservation at a total cost of Rs.839.445 lakh over a period of 10 years.
 - xii. The Addl. PCCF (Central), Regional Office Bhopal has recommended the proposal for Diversion

11. After detailed deliberations in FAC meeting held on 22nd and 23rd September, 2014 the FAC recommended the project for stage 1 approval subject to General conditions, standard conditions applicable to mining project and following additional conditions.

- a) The State Government shall raise the penal compensatory afforestation over the degraded forest land equal in extent to the broken up area in deposit-14 and deposit 11 which was not reclaimed in violation of Mine closure plan, at the project cost.
- b) Reclamation programme for Deposit 11 should also be prepared
- c) The user agency shall give Bank guarantee of the amount, as may be decided by the State Government, to ensure reclamation and biological restoration of the mined out area of Deposit 14 as per proposed reclamation plan over 199.195 ha of Bailadila Deposit-14 and broken up area of Deposit -1 .
- d) The user agency shall submit the progress report of the reclamation of the Deposit-14 and 11 to the State Government on annual basis. Continuance of mining operations in the Deposit 13 will be subject to satisfactory progress in reclamation of the Deposit 14 as per the proposed reclamation plan and deposit 11
- e) The user agency should also submit the land surrender schedule of mined out and reclaimed/biologically restored forest land as per the reclamation programme for 199.195 ha in

Deposit-14 and submit an undertaking to the effect that reclaimed/ biologically restored forest land will be surrendered as per this schedule.

- f) The user agency should also submit the land surrender schedule of mined out and reclaimed/biologically restored forest land as per the Mining Plan and Progressive Mine Closure Plan for Deposit-13 and submit an undertaking to the effect that reclaimed/ biologically restored forest land will be surrendered as per this schedule.
- g) 99.553 ha area proposed for environmental conservation work shall be under joint management of the user agency and the State Forest Department and soil conservation works to be taken by the user agency in the area under strict supervision of State Forest Department
- h) The user agency shall also give the details of the safety zone.

12. In view of the above recommendation of the FAC, the proposal was considered for Stage-I subject to general, standard and additional conditions. Accordingly, 'in-principle' approval by this Ministry was granted vide its letter dated **12.11.2014 (Pg 74 -77/c)**.

13. The State Government of Chhattisgarh vide their letter No. Bhu-Prabhand/Vidhut/331-42/918 dated 08.04.2015, has furnished the compliance report in respect of conditions stipulated in the Stage-I approval dated **12.11.2014 (Pg 78-246/c)**.

14. The issue for stage-II Clearance for diversion of 315.813 ha of forest land for Bailadila iron ore mining project in favour of M/s NMDC Limited in Dantewada Forest Division in Dantewada district of Chhattisgarh is now under consideration. The proposal was accorded '**in-principle**' approval by this Ministry vide its letter dated **12.11.2014 (Pg 74 -77/c)** subject to certain conditions prescribed therein.

15. Summary of the compliance report submitted by the State Government is as under:

S. No.	CONDITION	COMPLIANCE
1	Legal status of the diverted forest land shall remain unchanged.	The State Government has informed that the user agency has submitted an undertaking that Legal status of the diverted forest land shall remain unchanged. The undertaking submitted by user agency i.e NMDC Limited in this regard is enclosed (Pg. 109/c).
2	Compensatory Afforestation over the degraded forest land, twice in extent to the forest land being diverted, shall be raised and maintained by the State Forest department at the cost of the user agency.	The State Government has informed that the Compensatory Afforestation has been proposed 631.626 Ha of degraded forest land i.e. twice in extent to the forest land being diverted and the same shall be raised and maintained by the State Forest Department at the cost of the User Agency. In this regard, the undertaking given by the DFO, Dantewada Forest Division, Chhattisgarh is placed in file at Pg. 110/c .
3	The State Government shall raise the Penal Compensatory Afforestation over the degraded forest land equal in extent to the broken up area in deposit -14 and deposit-11 which was not reclaimed in violation of mine closure plan, at the project cost.	The State Government has mentioned that no violation of Mine Closure Plan in any of the mining leases of NMDC at Bailadila has been done. As per the schemes approved by I.B.M., reclamation in Deposit-14 is to start from the year 2028. In deposit 11, the reclamation is to commence from 2030. Moreover, due to increased mineable reserves based on exploration data, the mines shall be worked at further depths.

		<p>An amount of Rs.6.06 crore has been calculated against the total broken up area of 249.853 ha (Deposit-14 as per proposed reclamation plan over 199.195 Ha of Bailadila Deposit-14 and broken up area of Dep-11C) to ensure reclamation and biological restoration of the mined out area taking into account the enhancement cost t @ 10% per annum (P.193/c) .NMDC has submitted Bank Guarantee of value Rs.6.06 Cr towards reclamation of broken areas of Deposit-14 (199.195 Ha) and 11C (50.658 Ha) and is placed in file at pg. 194-197/c.</p> <p>The User agency also submitted an undertaking that NMDC Limited Shall agree to submit the progress report of the reclamation of the deposit-14 and 11 to the State Government on annual basis and also agree to that the continuance of mining operations in the deposit-13 will be subject to satisfactory progress in reclamation of the Deposit-14 as per the proposed reclamation plan and deposit-11 (P.198/c).</p>																														
4	The land identified for the purpose of CA shall be clearly depicted on a survey of India topo-sheet of 1:50000 scale and digital GPS map of the area will also be submitted along with the compliance report.	The State Government has informed that the land identified for raising compensatory afforestation has been depicted on a SOI Topo-sheet of 1:50000 scale along with DGPS co-ordinates of the C.A. areas. C.A. area identified at Dantewada forest division. A map showing C.A. area is placed in file at pg. 244/c .																														
5	The user agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the state forest department .The scheme may include appropriate provision for anticipated cost increase for works schedule for subsequent years.	<p>The State Government has informed that the total amount of Rs. Rs.28,48,63,326/- @ Rs. Rs.4,51,000/- per ha has been realized from the user agency for raising compensatory afforestation over the degraded forest land twice in extent i.e. 631.626-Ha, including provision for anticipated cost increase for works schedule and subsequent 10 years maintenance period .</p> <p>The compartment wise C.A area is as given below:</p> <table><tr><th>S. N.</th><th>Comp. number</th><th>Range</th><th>Area in Ha</th><th>C.A scheme Annexure number</th></tr><tr><td>1</td><td>PF-87</td><td>Bacheli/Geedam /Barsur</td><td>22</td><td>Ann-3(2)</td></tr><tr><td>2</td><td>PF-88</td><td>Geedam/Barsur</td><td>50</td><td>Ann-3(3)</td></tr><tr><td>3</td><td>PF-89</td><td>Geedam/Barsur</td><td>50</td><td>Ann-3(4)</td></tr><tr><td>4</td><td>PF-95</td><td>Geedam/Barsur</td><td>50</td><td>Ann-3(5)</td></tr><tr><td>5</td><td>PF-96</td><td>Geedam/Barsur</td><td>30</td><td>Ann-3(6)</td></tr></table>	S. N.	Comp. number	Range	Area in Ha	C.A scheme Annexure number	1	PF-87	Bacheli/Geedam /Barsur	22	Ann-3(2)	2	PF-88	Geedam/Barsur	50	Ann-3(3)	3	PF-89	Geedam/Barsur	50	Ann-3(4)	4	PF-95	Geedam/Barsur	50	Ann-3(5)	5	PF-96	Geedam/Barsur	30	Ann-3(6)
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1	PF-87	Bacheli/Geedam /Barsur	22	Ann-3(2)																												
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12	RF-494	Geedam/Barsur	100	Ann-3(13)																																						
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6	The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007- FC dated 05.02.2009 in this regard.	An amount of Rs.29,65, 48,407/- has been calculated for Net Present Value (NPV) of the forest land being diverted (Area involved for diversion of forest land is 315.813 Ha. and ECO-VALUE and CLASS: Dense forest and Class V for which Rate / Ha is Rs.9.39 lakhs and therefore NPV comes to =Rs.315.813Ha X Rs.9.39 lakhs/Ha.= Rs.29,65,48,407/-).NPV Calculation sheet is placed in file at pg. 174/c. The OSD, Ad-hoc CAMPA vide his note dated 15.06.2015 has confirmed the remittance of funds in the account of Ad-hoc CAMPA (pg. 258/c).																																								
7	At the time of payment of Net Present Value (NPV) at the then prevailing rate, the user Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined. As per the final decision of the Hon'ble Supreme Court of India.	The State Government has informed that the user agency has submitted an undertaking in this regard and placed in file at pg. 177/c.																																								
8	All the funds received from the User Agency under the project, except the funds realized for regeneration/ demarcation of safety zone shall be transferred to Ad-hoc CAMPA in the Saving Bank Account pertaining to the state concerned.	Funds transferred into CHHATISGARH CAMPA A/C No: 344902010105412, Union Bank of India, Sunder Nagar, New Delhi-110003 (IFSC Code: UBIN0534498) by user agency. <u>Details of e-payment are given below:</u> (a) C.A. Amount: Rs. 28,48,63,326/-Date of transfer: 09.02.2015-Transaction no:RTGS-BARB201502095000752464-CG CAMPA AC (b) NPV amount = Rs. 29,65,48,407/- -Date of transfer: 09.02.2015 Transaction no: RTGS-BARB201502095000752803-CG CAMPA AC																																								

		Copy of transaction details is placed at pg. 175-176/c. The OSD, Ad-hoc CAMPA vide his note dated 15.06.2015 has confirmed the remittance of funds in the account of Ad-hoc CAMPA (pg. 258/c).
9	Wherever possible and technically feasible, the User Agency shall undertake by involving local community, the afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this proposal in consultation with the State Forest Department at the project cost.	The Afforestation/plantation scheme has been prepared in consultation with State Forest Department as per prevailing rates and works out to Rs.3,30,03,801/- (@ Rs.4,96,052/- per Ha (pg. 178-183/c. User agency i.e NMDC Limited also submitted and undertaking to pay the cost of plantation over 66.533 ha. falling with mining lease of Bailadila deposit -13, Kirandul, Chhattisgarh after obtaining final Forest Clearance and before possession of forest land and placed in file at pg. 184/c
10	The period of the diversion of the said forest land under this approval shall be for a period conterminous with the period of mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act 1957, or rules framed there under, subject to a maximum period of 30 years.	The State Government has informed that the user agency has submitted an undertaking in this regard and placed in file at pg. 185/c
11	User Agency either himself or through the state 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 0.40). If any, located in the area within 100-m. from outer perimeter of the mining lease.	It informed by the state government that the area within 100-m from outer perimeter of the mining lease area is 129.00 Ha. The plantation scheme is prepared as per the prevailing rates of State Forest Department and is placed at pg. 186-191/c. The total cost for plantation over 129.00 Ha works out to Rs.58,27,737/- . The user agency has submitted an undertaking in this regard and placed in file at pg. 192/c.
12	The user agency shall undertake 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 activities	In this regards, the State Government has mentioned that the mining shall be carried out in a phased manner after taking care for reclamation of the mined over area as per approved Mining Plan of Bailadila Deposit-13 and the salient features of the concurrent reclamation plan as per Mining Plan duly approved by IBM is given below:- i. Top and lowest bench of the ultimate pit will be 1152 MRL and 828 MRL respectively. ii. 5 pits will be formed till the end of the life of mine. Out of 5 pits, 1 pit will be formed as water body and rest 4 pits will be backfilled by waste generated during normal production period. The total backfilled area will be around 15.14 Ha.

	<p>indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Chief Conservator of Forest (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.</p>	<p>iii. There will be 8 waste dumps around the ultimate pit area. The final spread of the waste dump will be 44.45 ha.</p> <p>iv. The toe wall, buttress wall, contour drain and check dams will be constructed below waste rock dumps to arrest soil erosion from dumped material.</p> <p>v. Mined out areas will be taken up for afforestation as soon as they will become passive and no further mining activities are supposed to take place.</p> <p>vi. The afforestation will be started in the 3rd phase i.e from 11th year onward on the exhausted mine benches as per details given below:-</p> <table border="1"> <thead> <tr> <th>Stage</th><th>Area in Ha</th><th>No. of plants</th></tr> </thead> <tbody> <tr> <td>11th to 15th year</td><td>0.76</td><td>1140</td></tr> <tr> <td>16th to 20th year</td><td>3.69</td><td>5535</td></tr> <tr> <td>21st to 25th year</td><td>9.56</td><td>14340</td></tr> <tr> <td>26th to 30th year</td><td>22.00</td><td>33000</td></tr> <tr> <td>31st to 35th year</td><td>14.93</td><td>22395</td></tr> <tr> <td>36th to 40th year</td><td>18.40</td><td>27600</td></tr> <tr> <td>After mine closure</td><td>49.66</td><td>74490</td></tr> <tr> <td>Water body</td><td>3.00</td><td>---</td></tr> <tr> <td>Total</td><td>122.00</td><td>178500</td></tr> </tbody> </table> <p>Plan showing reclamation of mined over area is given by the user agency and placed in file at pg. 245/c.</p>	Stage	Area in Ha	No. of plants	11 th to 15 th year	0.76	1140	16 th to 20 th year	3.69	5535	21 st to 25 th year	9.56	14340	26 th to 30 th year	22.00	33000	31 st to 35 th year	14.93	22395	36 th to 40 th year	18.40	27600	After mine closure	49.66	74490	Water body	3.00	---	Total	122.00	178500
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13	<p>Reclamation programme for Deposit 11 should also be prepared.</p>	<p>The State Government has mentioned that the proposed reclamation programme for Deposit-11C as per approved Mining Plan is given below:-</p> <table border="1"> <thead> <tr> <th>S. no</th><th>Year</th><th>Area in Ha.</th></tr> </thead> <tbody> <tr> <td>1</td><td>2030-31</td><td>16.000</td></tr> <tr> <td>2</td><td>2031-32</td><td>47.224</td></tr> <tr> <td>3</td><td>Total</td><td>63.224</td></tr> </tbody> </table> <p>Plan showing reclamation of mined over area is given and placed in file at pg. 243/c</p>	S. no	Year	Area in Ha.	1	2030-31	16.000	2	2031-32	47.224	3	Total	63.224																		
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14	<p>The user agency shall give Bank guarantee of the amount, as may be decided by the State Government, to ensure reclamation and biological restoration of the mined out area of Deposit-14 as per proposed reclamation plan over 199.195-ha of</p>	<p>NMDC has submitted Bank Guarantee of Rs.6.06 Cr towards reclamation of broken areas of Deposit-14 (199.195 Ha) and 11C (50.658 Ha) as per detailed calculation for arriving the Bank Guarantee amount by escalating IBM approved reclamation cost @ 10% per annum and placed in file at pg. 193-197/c .</p>																														

	Bailadila Deposit-14 and broken up area of Deposit-11C.	
15	The user agency shall submit the progress report of the reclamation of the deposit-14 and 11 to the State Government on annual basis. Continuance of mining operations in the Deposit-13 will be subject to satisfactory progress in reclamation of the Deposit-14 as per the proposed reclamation plan and deposit-11	<p>The state Government mentioned that the user agency shall be submitted the progress report to the State Forest Department on annual basis (for every financial year) for the reclamation of the deposit-14 and 11).</p> <p>The user agency has submitted an undertaking in this regard and placed in file at pg. 198/c</p>
16	The user agency should also submit the land surrender schedule of mined out and reclaimed/ biologically restored forest land as per the reclamation programme for 199.195-ha in Deposit-14 and submit an undertaking to the effect that reclaimed / biologically restored forest land will be surrendered as per this schedule	<p>It is informed by the State Government that the User agency i.e NMDC Limited mentioned that after Life of the Mine is completed, the land (Mining Lease area) will be surrendered after reclamation and rehabilitation of mined out land, waste dumps, etc.</p> <p>The land surrender schedule submitted by user agency in the form of undertaking in this regard is placed in file at pg. 199/c.</p>
17	The user agency should also submit the land surrender schedule of mined out and reclaimed/ biologically restored forest land as per the mining plan and the progressive mine closure plan for deposit-13 and submit an undertaking to the effect that reclaimed /biologically restored forest land will be surrendered as per this schedule	<p>It is informed by the State Government that the User agency i.e NMDC Limited mentioned that after Life of the Mine is completed, the land (Mining Lease area) will be surrendered after reclamation and rehabilitation of mined out land, waste dumps, etc.</p> <p>The land surrender schedule submitted by user agency in the form of undertaking in this regard is placed in file at pg. 200/c.</p>
18	99.553-ha area proposed for environmental conservation work shall be under joint management of the user agency and the state forest department and soil conservation works to be taken by the user agency in the area under strict supervision of State Forest Department.	In this regard, it is informed by the state government that an area of 99.553-ha is retained within the mining lease area for undertaking environmental conservation works such as afforestation with local species and construction of brushwood check dams, loose boulder check dams wrapped in chain link mesh & contour trenches / contour bunds. Out of 99.553Ha, afforestation measures will be undertaken in 66.533 Ha by user agency i.e NMDC Limited in consultation with the State Forest Department at the Project cost. For balance area 33.020 Ha, soil and water conservation works will be undertaken by NMDC in consultation with Forest Department. In this regard, noting of State Government against condition No. 9 is referred

		<p>(pg. 81/c).</p> <p>The estimated cost for implementing the scheme over 33.020 Ha works out to Rs.2,04,390/- (pg. 201-202/c)</p> <p>An undertaking submitted by the user agency in this regard is placed at pg. 203/c.</p>
19	The user agency shall also give the details of the safety zone	It is informed by the state government that 7.5 m strip all along the outer boulder of Mining Lease is taken as Safety zone. The safety zone area is 9.951 Ha. The plan showing safety zone area is placed in file at pg. 246/c.
20(a)	<p>Following activities shall be undertaken by the user agency for the management of safety zone-</p> <p>User agency shall ensure demarcation of boundary of Safety Zone (7.5 meter 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 state forest department.</p>	<p>The State Government has mentioned that the demarcation of safety zone (7.5m strip all along the outer boundary of the mining lease area) will be completed at the site before possession of forest land.</p> <p>The user agency has submitted an undertaking in this regard and placed in file at pg. 204/c.</p>
20(b)	In case of the 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.	<p>The State Government has informed that no habitation / public roads exist surrounding the safety zone area.</p> <p>The user agency has submitted an undertaking in this regard and placed in file at pg. 205/c.</p>
20(c)	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 the State Forest Department	<p>In this regard, it is informed by the State Government that the scheme for re-generation and vegetation of the safety zone area is prepared and estimated cost works out Rs.1.23 Cr. The scheme is placed in file at Pg. 206/c</p> <p>The user agency has submitted an undertaking to pay the cost of regeneration and vegetation of the safety zone area after obtaining final Forest Clearance and before possession of forest land. The same may kindly be seen in file at pg. 207/c.</p>
20(d)	Afforestation on degraded forest land to be selected elsewhere measuring one and a half times the	The safety zone area is 9.951 Ha and accordingly, an area of 15.00 Ha. (one and half time the safety zone area of 9.951 Ha) for Afforestation on degraded forest land has

	area under safety zone shall also be done by the user agency at the project cost under the supervision of the State Forest Department	<p>been identified at Dantewada Forest Division. The Afforestation scheme over 15.00 ha is prepared at a cost of Rs.67,65,000/- (15-Ha X Rs.4,51,000/- per Ha) and placed in file at pg. 208-211/c</p> <p>Copy of transaction details is placed at pg. 212-213/c</p> <p>The OSD, Ad-hoc CAMPA vide his note dated 15.06.2015 has confirmed the remittance of funds (Any other charges/ levies-safety zone plantation) in the account of Ad-hoc CAMPA (pg. 258/c).</p>
21	In case of under-ground mines, areas on surface shall be fenced and afforested from the funds to be provided by the User Agency	In this regard, it is informed by the State Government that It is an open cast mine.
22	The user agency shall implement the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation .The said R& R Plan will be monitored by the State Government /Regional Offices of MoEF along with indicators for monitoring and expected observable milestones.	In this regard, it is informed by the State Government that no R&R issues are involved in 315.813-ha forest land. It is Bailadila Reserve Forest Land.
23	The user agency shall undertake 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	<p>In this regard, it is informed by the State Government that no village tanks exist within 5km from the mine lease boundary in surrounding villages. The following streams flows within 5-km from mine lease area of Deposit-13.</p> <p>i. Malinger nadi in SSE direction and</p> <p>ii. Galli Nalla in NNW and NW direction.</p> <p>The user agency has also informed that during course of mining operations, adequate measures will be taken up to prevent flowing down of waste rock material / silt materials from mining area to mitigate the siltation of above water bodies. However, in case of siltation of the above water bodies is found, de-siltation will be done periodically by user agency. The user agency submitted the scheme for de-silting of above streams and is placed in file at pg. 214-215/c</p> <p>The user agency has submitted an undertaking in this regard and placed in file at pg. 216/c</p>
24	Following activities shall be undertaken by User Agency at the	In this regard, it is informed by the State Government that PCCF (Wildlife) / CWLW, Forest Department, Raipur

	<p>project cost:</p> <p>(a) Preparation and implementation of a plan containing appropriate mitigation measures to minimize soil erosion and chocking of streams</p> <p>(b) Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion</p> <p>(c) Construction of check dams, retention, toe walls along the contour to arrest sliding down of the excavated material.</p> <p>(d) Stabilize the overburden dumps by appropriate grading / benching so as to ensure that that angles of repose at any given place is less than 28 degree and</p> <p>(e) Strict adherence to the prescribed top soil management</p>	<p>approved Bio-diversity conservation plan for Bailadila Deposit-13, Kirandul vide letter dated 1/4/2014 with financial outlay of Rs.8,39,44,500/-. The plan provides following measures:-</p> <table border="1" data-bbox="774 347 1489 1512"> <thead> <tr> <th>S. no</th><th>Particulars</th><th>Amount in Rs. Lakhs.</th></tr> </thead> <tbody> <tr><td>1</td><td>Soil conservation works</td><td>55.50</td></tr> <tr><td>2</td><td>Soil & Water conservation works</td><td>38.00</td></tr> <tr><td>3</td><td>Perimeter trenching for cattle proof and soil conservation</td><td>75.00</td></tr> <tr><td>4</td><td>Improvement of existing water sources</td><td>45.50</td></tr> <tr><td>5</td><td>Development of 12 new water sources</td><td>123.00</td></tr> <tr><td>6</td><td>Pasture development</td><td>4.515</td></tr> <tr><td>7</td><td>Improvement of tree cover</td><td>191.23</td></tr> <tr><td>8</td><td>Conservation awareness</td><td>21.00</td></tr> <tr><td>9</td><td>Ecological monitoring</td><td>8.00</td></tr> <tr><td>10</td><td>Bio-logical reclamation of OB dumps</td><td>46.50</td></tr> <tr><td>11</td><td>Green belt development</td><td>16.20</td></tr> <tr><td>12</td><td>Budget for PBR</td><td>76.00</td></tr> <tr><td>13</td><td>Identification of invasive species and recovery of susceptible species</td><td>30.00</td></tr> <tr><td>14</td><td>Development of Herbal garden</td><td>25.00</td></tr> <tr><td>15</td><td>Bio-logical reclamation</td><td>50.00</td></tr> <tr><td>16</td><td>Misc</td><td>25.00</td></tr> <tr><td>17</td><td>Financial support to BMC</td><td>9.00</td></tr> </tbody> </table> <p>The approved year wise expenditure for 10 years for the above items along with approval of Bio-diversity conservation plan letter dated 1/4/2014 is placed at pg. 217-222/c</p> <p>Copy of transaction details is placed in file at pg. 223/c.</p> <p>The OSD, Ad-hoc CAMPA vide his note dated 15.06.2015 has confirmed the remittance of funds (Wildlife Management Plan) in the account of Ad-hoc CAMPA (pg. 258/c)</p>	S. no	Particulars	Amount in Rs. Lakhs.	1	Soil conservation works	55.50	2	Soil & Water conservation works	38.00	3	Perimeter trenching for cattle proof and soil conservation	75.00	4	Improvement of existing water sources	45.50	5	Development of 12 new water sources	123.00	6	Pasture development	4.515	7	Improvement of tree cover	191.23	8	Conservation awareness	21.00	9	Ecological monitoring	8.00	10	Bio-logical reclamation of OB dumps	46.50	11	Green belt development	16.20	12	Budget for PBR	76.00	13	Identification of invasive species and recovery of susceptible species	30.00	14	Development of Herbal garden	25.00	15	Bio-logical reclamation	50.00	16	Misc	25.00	17	Financial support to BMC	9.00
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25	The User Agency shall obtain the Environment Clearance as per the provision of the Environmental (Protection) Act, 1986, if required	User agency informed that this proposal was placed before Expert Appraisal Committee (EAC), MoEF meeting held on March 16-18, 2015 and committee recommended the project for grant of Environmental Clearance. In this																																																						

		regard, a copy of the Environmental Clearance letter No.J-11015/240/2009-IA.II(M) dated 07.05.2015 is placed in file at pg. 249-56/c.
26	No-labour camp shall be established on the forest land	User agency informed that no labor camp shall be established on the forest land. The user agency has submitted an undertaking in this regard and placed in file at pg. 227/c.
27	The user agency shall provide fuels preferably alternate fuels to the laborers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas:	It is informed by the State Government that the laborer for construction of Bailadila Deposit-13 project will be from nearby villages of Kirandul and no laborer camp will be established at the proposed site. Hence, there will not be any felling of trees at the site by laborer for their fuel-wood. The user agency has submitted an undertaking in this regard and placed in file at pg. 228/c
28	The boundary of the diverted forest land, mining lease shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from the pillar to pillar.	It is informed by the State Government that NMDC shall demarcate the mining lease area on ground at the project cost, by erecting six feet high reinforced cement concrete pillars whereas as per the MoEF's condition the user agency has to erect four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from the pillar to pillar before start of construction work. It is also mentioned by the State Government that due to slope 4 is not sufficient size of pillars so this be amended accordingly. The NMDC has given an undertaking that they shall demarcated the mining lease area on ground at the project cost by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from the pillar to pillar before start of construction work (pg. 229/c.)
29	The layout plan of the proposal shall not be changed without the prior approval of the Central Government.	The user agency has given an undertaking in this regard and placed in file at pg. 230/c.
30	The forest land shall not be used for any purpose other than that specified in the proposal.	The user agency has given an undertaking in this regard that the forest land of Baiuladila Deposit-13 extending over 315.813 Ha at Kirandul, South Bastar Dantewada Dt, C.G shall not be used for any purpose other than specified in the proposal. The undertaking is placed in file at pg. 231/c
31	The forest land proposed to be diverted shall under no circumstances to be transferred to any other agency, department or person without prior approval of the	The user agency has given an undertaking in this regard and placed in file at pg. 232/c.

	Central Government.	
32	No damage to the flora and fauna of the adjoin area shall be caused	The user agency has given an undertaking in this regard and placed in file at pg. 233/c
33	Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.	It is informed by the State Government that the user agency submitted that trees will be felled only when it becomes necessary in supervision of Forest Department, at their cost. The user agency has given an undertaking in this regard and placed in file at pg. 234/c.
34	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.	In this regard, it is informed by the State Government that PCCF (Wildlife) / CWLW, Forest Department, Raipur approved Bio-diversity conservation plan for Bailadila Deposit-13, Kirandul vide their letter dated 1/4/2014 with financial outlay of Rs.8,39,44,500/-. The approved year wise expenditure for 10 years for the above items along with approval of Bio-diversity conservation plan letter dated 1/4/2014 is placed at pg. 217-222/c. The said plan includes an expenditure of 1,91,23,000/- (may kindly see at item no: 7 of CWLW's letter dated 1/4/14, under column "A" at p.220/c) . The total amount of Rs.8,39,44,500/- includes the funds for improvement of tree cover which shall also take care of creating and maintaining alternate habitat / home for the avifauna, whose nesting trees will be cleared for this project has already been deposited in CAMPA A/C Copy of The OSD, Ad-hoc CAMPA vide his note dated 15.06.2015 has confirmed the remittance of funds (Wildlife Management Plan) in the account of Ad-hoc CAMPA (pg. 258/c)
35	The user agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly	It is informed by the State Government that the user agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly. The user agency has given an undertaking in this regard and placed in file at pg. 235/c
36	Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forest & wildlife: and	In this regard the user agency has given an undertaking that NDMC Ltd. Shall ensure compliance to any other condition stipulated by the concerned Regional Office of this Ministry from time to time, in the interest of conservation, protection and development of forest & wildlife in connection with diversion of 315.813 Ha at Kirandul, South Bastar Dantewada, Chhattishgarh (pg. 235/c).
37	The User Agency and the State Government shall ensure	In this regard the user agency has given an undertaking that NDMC Ltd. Shall ensure compliance to provision of

	compliance to provision of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.	the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project in connection with diversion of 315.813 Ha at Kirandul, South Bastar Dantewada, Chhattishgarh (pg. 236/c).
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16. From the examination of the compliance submitted by the State Government, following is observed:

- i. The user agency has submitted necessary undertakings to comply with the conditions stipulated in the Stage-I approval.
- ii. The OSD, Ad-hoc CAMPA vide his noted dated 15.06.2015 has confirmed the remittance of funds realized from the project proponent in lieu of diversion of forest land in the account of Ad-hoc CAMPA (Pg 258/c).
- iii. The user agency has not deposited penal compensatory Afforestation as stipulated in condition no. (iii) in Stage –I Clearance order dated 12.11.2014.

17. Since the user agency has not complied the condition (iii) stage –I Clearance, accordingly, the State Govt. was requested vide this Ministry's letter dated 04.6.2015 for depositing the Penal Compensatory Afforestation by the user agency. **This additional condition was imposed as recommended by FAC (may pl. see para 11(a) above)**

18. The user agency has given a representation/clarification for non-submission penal CA and the representation was also forwarded) to state govt. on 25.08.2015 (**Pg. 272-284/c** for furnishing their comments.

19. In response to this Ministry's letter dated 04.06.2015, the State Government of Chhattisgarh vide their letter No. LM/Min/331-42/3053 dated 28.11.2015 (**P. 285-319/c**) has submitted the clarification regarding submission of penal compensatory Afforestation charges with the degraded forest land equal to extent to the broken up area in Dep-14 (199.195) and Dep-11 ha (80.250 ha) which was not reclaimed in violation of Mine Closure Plan. It is reported by State Govt. that NDMC Ltd. vide its letter No.DGM(p)/Geo/99 dated 6.5.1999 has submitted Penal Compensatory Afforestation charges for Bailadila Iron Ore Deposit 14 ML for an amount of Rs.2.14 crore in DD No. 772862 for which is for amount Rs. 5.62 crore (Rs. 2.14 cr for PCA + 2.50 for SZ + Rs. 0.98 Cr for CA) as per the directions of MoEF & CC New Delhi (circular dated 3.2.1999) and demand note letter No. M.C/370 dated 3.04.1999 received from DFO Dantewada. (Pg. 324-334/c). Also Penal Compensatory Afforestation charges for Bailadila Iron Ore Deposit 14 NMZ for an amount of Rs.3.35 crore in DD No. 772861 which is for amount Rs.8.91 crore (Rs. 3.35 cr for PCA + 3.75 for SZ + Rs. 1.81 Cr for CA) as per the directions of MoEF & CC New Delhi (circular dated 3.2.1999) and demand note letter No. M.C/372 dated 3.04.1999 received from DFO Dantewada(Pg. 335-3417/c) and Rs.4.43 crore in DD No. 772863 which is for amount Rs.10.80 crore (Rs. 4.43 cr for PCA + 6.37 Cr for SZ) as per the directions of MoEF & CC New Delhi (circular dated 3.2.1999) and demand note letter No. M.C/366 dated 3.04.1999 received from DFO Dantewada. (Pg. 342-349/c). It is also mentioned by the Addl.PCCF(LM/FCA) that in terms of MoEF circular dated 03.02.1999 (F/X) the PCA charges are to be imposed over the area worked /used in violation of FC Act 1980. However DFO Sukma/Dantewada has taken entire mining lease area for calculating the Penal Compensatory Afforestation Charges while sending the demand notes to NDMC Ltd.

20. The user agency has been requested vide this Ministry's letter dated 04.02.2016 to place their justification in this regard before Forest Advisory Committee (FAC) in its forthcoming meeting to held on 16.02.2016.
