

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi – 1100 03
Dated: 06 March, 2023

To

The Additional Chief Secretary (Forests)
Department of Forest, Ecology and Environment
Government of Karnataka,
Bangalore.

Sub: Proposal for diversion of 53.67 ha. (originally proposed 75.92 ha of forest land) of forest land (near M.L. 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. (Online Proposal No.FP/KA/Others/14576/2015).-regarding.

Sir/Madam,

I am directed to refer to the Government of Karnataka's letter No. FEE 16 FFM 2021 (e) dated 25.06.2021 on the above mentioned subject, seeking prior approval of Central Government under Section-2 (ii) of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the Government of Karnataka and on the basis of the recommendations of the Forest Advisory Committee (FAC), the Central Government hereby agrees to accord **Stage-I / In-principle** approval under the Forest (Conservation) Act, 1980 for diversion of **53.67 ha.** (dropping the originally proposed Tailing dam-II in 22.25 ha from the original proposal of 75.92 ha.) of forest land (near M.L. No.2396 of NMDC) in Donimalai (DM) forest Block, Sandur, Taluk, Ballari District for construction of new Screening Plant-II, one Tailing dam and laying of Water pipeline in favour of NMDC Limited Donimalai Township, Sandur, Taluk, Ballari District, subject to the following conditions:-

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department and compliance is to be submitted prior to Stage-II approval:

- i. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars, if required on the CA land, shall be deposited in advance with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years, into the account of National Authority, CAMPA managed by the State Govt.;

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- ii. The User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal in accordance with the MoEF&CC's guidelines dated 6.01.2022 read with guidelines dated 19.01.2022 into the account of National Authority, CAMPA managed by the State Govt.;
- iii. ***The State Govt. shall impose a penalty of five (5) times the NPV plus 12 percent simple interest till the deposit is made from the year 2015 as penalty for violation of FCA 1980 (i.e. 2.57 ha. area under violation) as proposed by the State Government.***
- iv. The Non-Forest land shall be transferred and mutated in favour of Forest Department and notified as Reserved Forest/Protected Forest prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Govt. prior to final/Stage-II approval;
- v. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
- vi. The KML files of diverted area and the CA areas (both NFL & DFL) shall be uploaded on the e-Green watch portal with all requisite details prior to Stage II approval;
- vii. The Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, in to the account of National Authority, CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);
- viii. State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence, along with compliance of Stage-I approval, as prescribed by this Ministry's letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;
- ix. The complete compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);

B: Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted and compliance is to be submitted prior to Stage-II approval:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- iii. Compensatory afforestation over degraded forest land, double in extent to the forest land being diverted, shall be raised by the State Forest Department at the project cost within three years from the date of grant of Stage - II approval;
- iv. At the time of payment of the Net Present Value (NPV) at the present 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;
- v. Trees should be felled in phased manner as per the requirement in the approved Plan with prior permission of concerned DFO;

- vi. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- vii. The User Agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five km from the mine lease boundary. This list is to be duly verified by the concerned Divisional Forest Officer. The User Agency shall regularly undertake desilting of these village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies. A detailed approved plan for desilting of identified ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF& CC before Stage-II approval;
- viii. The User Agency shall comply with the Hon'ble Supreme Court order on re-grassing, and re-grass the mining area and any other areas which may have been disturbed due to mining to restore them to a condition which is fit for growth of fodder, flora, fauna, etc. in a timely manner;
- ix. Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- x. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xi. No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xii. The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS coordinates;
- xiii. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
- xiv. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- xv. No damage to the flora and fauna of the adjoining area shall be caused;
- xvi. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
- xvii. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xviii. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and

development of forests & wildlife shall be carried with by the State Government and user agency;

- xix. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
- xx. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project; and
- xxi. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,

X Mittal
06/03/2023

(Dr. Dheeraj Mittal)

Assistant Inspector General of Forests

Copy to: -

1. The Principal Chief Conservator of Forests (HoFF), Government of Karnataka, Bangalore.
2. The Regional Officer, Integrated Regional Office, MoEF&CC, Bangalore.
3. The Nodal Office (FCA) Forest Department, Government of Karnataka, Bangalore.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi, for uploading.