

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560003
Aranya Bhavan, 18th Cross,
Malleshwaram, Bengaluru- 03
Telephone : 080 2334 6472
Email : apccffc@gmail.com

Old File No:A5(1).MNG.CR-15/2015-16

E-office File No. KFD/HOFF/A5-1(MNG)/31/2019-FC

2 sets - 2 CD enclosed

E-79014

Date 30-06-2022

01-07
**EDS QUERY
URGENT**

To,

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

Sub: Proposal for diversion 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, Two Tailing dams (I & II) and laying of Water pipe line in favour of NMDC limited. Donimalai Township, Sandur, Taluk, Ballari District

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

- Ref:**
1. Government of India, Ministry of Environment, Forest & Climate Change, Integrated Regional Office letter No. 8-17/2021-FC dated 01-02-2022 [EDS Query]
 2. Government of Karnataka letter No.FEE 16 FLL 2021(e) dated 03-02-2022 [communication of GOI EDS Query]
 3. This office letter of even number letter dated 10-02-2022 to CCF, Ballari Circle, Ballari [seeking reply to GOI EDS Query]
 4. The Deputy Conservator of Forests, Ballari Division letter No. M1/MNG/NMDC/ML No. 1111/2018-19 dated 06-06-2022 [EDS reply]
 5. The Chief Conservator of Forests, Bengaluru Circle letter No. No. M1/MNG/RENEW/CR-11/1990-91(NMDC) dated 09-06-2022 [communication of the EDS reply by DCF, Ballari]

With regard to the proposal the Government of India, Ministry of Environment, Forest & Climate Change, Integrated Regional Office vide Ref (1) has raised the EDS Query, which was communicated by the Government of Karnataka vide Ref (2) to this office. Further, the same was forwarded to the Deputy Conservator

of Forests, Ballari Division through the Chief Conservator of Forests, Ballari Circle by this office vide letter dated 10-02-2022.

In response, the reply to the query raised by the Government of India is furnished by the Deputy Conservator of Forests, Ballari Division and the Chief Conservator of Forests, Ballari Circle Vide Ref (4) and (5) to this office as below.

Sl. No.	Information sought	Information submitted						
1	<p>State Government has not provided any comments with respect to the point No. (ix) of this Ministry's letter dated: 17.01.2022. In this regard the State Government is once again requested to clarify whether the nature of violation comes within the purview of Section-3A and or Section-3B of the Forest (Conservation) Act, 1980.</p>	<p>The Deputy Conservator of Forests, Ballari has affirmed that M/s.NMDC had already established the following structures.</p> <ol style="list-style-type: none"> 1. The User Agency has already laid pipeline about 400 mtrs (i.e. 0.08 ha) length in the proposed screening Plant-II Area. 2. The User Agency has already established washing plant about 0.1 ha in the proposed Screening Plant-II area. 3. The User Agency has already established Conveyor belt about 363 mtrs length in the proposed screening plant-II area and about 376 mtrs length in tailing dam-I area. 4. The User Agency has already established check dam, silt settling tank and rainwater harvesting pit in the proposed tailing dam-II area. Further, these are all related to R&R activities implemented by the User Agency with respect to ML No.2396. <p>Further, the CCF, Ballari has inspected the proposed area over an extent of 75.92 ha on 26.02.2022 and along with the Deputy CF, Ballari and noticed the following observations.</p> <p>A total area of 4.78 ha is under use, without regularisation. out of which 2.57 ha is being used for mining-allied activities and the remaining 2.21 ha is under use for non mining activities.</p> <table border="1" data-bbox="667 1576 1342 1733"> <thead> <tr> <th>Forest land used for mining allied activities</th> <th>Forest land used for Non-mining Activities</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2.57 ha.</td> <td>2.21 ha.</td> <td>4.78 ha.</td> </tr> </tbody> </table> <p>PART-1 Mining allied activities 2.57 ha The details of area which is in the usage for mining allied activities are as follows; M/s. NMDC has been granted mining lease under MMDR Act in the year 1968 bearing ML No. 839 (New ML No.2396). Subsequently Mining plant in this lease has been</p>	Forest land used for mining allied activities	Forest land used for Non-mining Activities	Total	2.57 ha.	2.21 ha.	4.78 ha.
Forest land used for mining allied activities	Forest land used for Non-mining Activities	Total						
2.57 ha.	2.21 ha.	4.78 ha.						

established in the year 1977 itself. In support of their claim, M/s. NMDC has provided the documents like Audit Report and details of Royalty payment in the year 1977. (**Annexure-1**). From these documents it can be ascertained that at the plant and all these structures (in the area of around 2.57 ha) believed to be established in the year 1977 itself i.e., before enactment of Forest (Conservation) Act, 1980.

Table No.1

Sl. No.	Component	Area Proposed (in ha)	Area in use for mining allied activities (in ha)	Mining allied activities
1	Screening Plant-II	12.96	1.72	Roads, Conveyor, pipeline & Thickners
2	Tailing Dam-I	40.25	0.85	Roads, Conveyor, pipeline & Thickners
3	Tailing Dam-II	22.25	-	-
4	Water Pipeline	0.46	-	-
	Total	75.92	2.57	

(The details enclosed as Annexure-2)

Although, these structures (2.57 ha) has been established before 1980, they are in use even after the enactment of Forest (Conservation) Act, 1980 without getting them regularized. Moreover, for the first time the proposal to regularise this area has been submitted by the M/s. NMDC in the year 2015. Hence, the structures associated to mining activity of Mining Lease No.2396, which are in use without regularisation until now, may be considered as violation of Forest (Conservation) Act, 1980 under Section-2, for which **suitable penalty** may be imposed on the above User Agency by the competent Authority.

PART-2 AREA IN USE FOR NON-MINING ACTIVITIES

Around 2.21 h area in use (without regularisation) for non-

mining activities. Area details are as follows,

Table No.2

Sl. No.	Component	Area Proposed (in ha.)	SMC works (R&R activities)	Encroachment by public (ha)	Total In ha
1	Screening Plant-II	12.96	-	-	-
2	Tailing Dam-I	40.25	-	-	-
3	Tailing Dam-II	22.25	0.38	1.83	2.21
4	Water Pipeline	0.46	-	-	-
Total		75.92	0.38	1.83	2.21

Here 0.38 ha area is used for R&R work as per the approved R&R Plan, in the year 2018-19. The copy of ICFRE Dehradun approved R&R plan is enclosed as **ANNEXURE-3** and R&R activity is mandatory activity prescribed by Monitoring Committee. Hence the forest area of 0.38 ha. cannot be construed as violation committed by the above user agency.

This apart, 1.83 ha area been encroached by public for agricultural purpose. The maps showing encroached area is enclosed **ANNEXURE-2**.

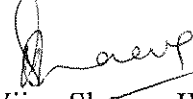
Hence, for the diversion of this 2.21 ha area, the User Agency may not be fully responsible under Sec-2 of the Forest (Conservation) Act 1980.

2	The State Government in response to this Ministry letter Dt.06.08.2021 with respect to point No. (ix) & (x) has forwarded KML file of 554.50 ha with respect to CA land. Out of the 554.50 ha, KML file of 37.50 ha for CA area in 1, Konchigere is not available as per DSS report. In this regard the	KML file of 37.50 ha for CA area in sy.No.1 of Konchigere Village, Ballari Range, Ballari Distract is enclosed as Annexure-4 .
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complete KML file may be forwarded to this Ministry for analysis.	
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It is therefore requested to move to the Government of India for seeking Stage-I clearance under Forest (Conservation) Act, 1980.

Yours Faithfully



(Vijay Sharma IFS)

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

Copy to the:

1. Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. Deputy Conservator of Forests, Ballari Division, Ballari for information.
3. M/s NMDC, Donimai, Sandur, Ballari District for information.

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