

No.M1/MNG/RENW/CR-11/1990-91(NMDC)

Encls:03 sets

Office of the
Chief Conservator of Forests,
Ballari Circle, Ballari,
Date:09-06-2022

To,

The Principal Chief Conservator of Forests
(Forest Conservation) and Nodal Officer(FCA),
Aranya Bhavan, Bengaluru.

Sir,

Sub:-Diversions of 75.92 ha of forest land for construction of screening
plant, Tailing dam, Slurry pipeline corridor & water pipeline
corridor at Donimalai in favour of M/s National Minerals
Development Corporation Limited, Donimalai, Sandur – reg.
(FC online application No.FP/KKA/OTHERS/14576/2015)

Ref:-1)Letter No.F.No.8-17/2021-FC dated:01-02-2022 of the Government
of India, Ministry of Environment, Forests & Climate Change, New
Delhi. (sought additional information)
2)Your office letter No.KFD:HoFF:A5-1(MNG)/31/2019-FC
dated:08/10-2-2022.
3) This office letter even no. 14-2-2022 & 1-6-2022.
4) Letter No.M1/MNG/MDC/ML No.1111/2018-19 dated:6-6-2022
of Deputy Conservator of Forests, Ballari Division, Ballari.

In light of the directions issued by your goodself in the letter (2) cited above and followed
by the additional information as called for by the Government of India, MOEF & CC, New Delhi
in its letter (1) cited above, the Deputy Conservator of Forests, Ballari Division, Ballari has been
directed vide this office letter (3) cited above to submit the convincing replies to the additional
information as called for therein, for taking further needful action in this instant proposal.
In this regard, the Deputy Conservator of Forests, Ballari has submitted the
information/clarification to this office vide reference (4) cited above. On going through the
same, the following additional information are submitted for your kind perusal and further
needful action.

Sl. No.	Information sought	Information submitted
1	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	As already opined and submitted the report to your good self, vide this office letter dated.01-12-2021, with regard to violations reported to have been committed by the above user agency, the Deputy Conservator of Forests, Ballari has also affirmed that M/s:NMDC had already established the following structures.

purview of Section-3A and or Section-3B of the Forest (Conservation) Act, 1980.

1. The User Agency had already laid pipeline about 400 mtrs (i.e. 0.08 ha) length in the proposed screening Plant-II Area.
2. The User Agency had already established washing plant about 0.1 ha in the proposed Screening Plant-II area.
3. The User Agency had 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 had 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.

Further, the undersigned 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.

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.

Forest land used for mining allied activities	Forest land used for Non-mining Activities	Total
2.57 ha.	2.21 ha.	4.78 ha.

PART-I 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 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 & Thickeners
2	Tailing Dam-I	40.25	0.85	Roads, Conveyor, pipeline & Thickeners

Sl. No.	Component	Area Proposed (in ha.)	SMC works (R&R activities)	Encroachment by public (ha)	Total In ha
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.

