

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ
Office of the
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003
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Old File No.A5(1)/MNG/CR-15/2015-16

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

E-79014

Date 10-12-2021

To,

The Additional Chief Secretary to Government
Department of Forest, Ecology and Environment
M. S. Building, Bengaluru

Sir,

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 pipeline in favour of NMDC limited. Donimalai Township, Sandur, Taluk, Ballari District

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

- Ref:**
1. Government of India, Ministry of Environment, Forest & Climate Change Integrated Regional Office letter No. 8-17/2021-FC dated 06-08-2021 [*sought additional information and clarification*]
 2. Government of Karnataka letter No. FEE 05 FFM 2021 (e) dated 11-08-2021 [*communicated the Government of India letter*]
 3. This office letter of even number dated 10-08-2021 to Chief Conservator of Forests, Ballari Circle copy to Deputy Conservator of Forests, Ballari Division and User Agency [*seeking additional information*]
 4. Deputy Conservator of Forests, Ballari Division letter No. M1/MNG/NMDC/ML No.1111/2018-19 dated 28-10-2021
 5. Chief Conservator of Forests, Ballari Circle letter No.M1/MNG/RENW/CR-11/1990-91(NMDC) dated 20-11-2021 and 01-12-2021[hard copy received on 03-12-2021]

The Government of India, Ministry of Environment, Forests & Climate Change, Bengaluru vide ref (1) has requested to furnish certain information / clarification for further consideration of the above mentioned proposal. The same was communicated by Government of Karnataka to this office vide ref (2) and onward communication by this office to the field officers seeking the required information/clarification vide ref (3).

In response, the Deputy Conservator of Forests, Ballari Division and the Chief Conservator of Forests, Ballari Circle vide ref (4) and (5) respectively have submitted the information / clarification on the points raised by Government of India. Based on the said reports, the reply to the Government of India is submitted as follows.

Sl. No.	Particulars	Reply
i)	<p>The User Agency has applied the instant proposal under the other category in PARIVESH portal instead of mining category. The components mentioned for diversion seems to the ancillary activities of mining. In this regard the State Govt. may provide its justification.</p>	<p>It is observed from the reports of the User Agency that, the proposed project of construction of Screening Plant, Tailing Dam, Slurry pipeline Corridor & Water Pipeline Corridor at Donimalai by M/s. National Minerals Development Corporation Limited, Donimalai involving diversion of 75.92 hectares of Forest Land is a standalone project/activity and it is not ancillary activities of mining.</p> <p>Refereeing to the proceedings of a meeting of the committee constituted by the MoEF & CC held during 24th - 25th October, 2016 for grant of Environment Clearance, the UA has stated that the proposed activity is independent of mining. Here, the committee was of the view that <i>'the proposal needs to be transferred to the EAC (Industry Sector) as the proposal is only for the beneficiation process which is outside the lease area</i> and the project proposal falls in Schedule 2(b) as per the provisions of the EIA Notification, 2006'. (Minutes of the meeting are enclosed as <u>Annexure-I(A) & I(B)</u>).</p> <p>The justification submitted by the User Agency is enclosed as <u>Annexure-I(C)</u>.</p> <p>However, Chief Conservator of Forests, Ballari Circle has reported that the justification submitted by the Deputy Conservator of Forests, Ballari Division is not acceptable since, the proposed components mentioned for diversion are ancillary activities of mining as per the Section 3(d) of the MMDR Act, 1957.</p> <p>As per Section 3(d) of MMDR Act, 1957 "mining operations" means any operations undertaken for the purpose of winning any mineral;</p> <p>However, it is opined that since the Environment Appraisal Committee of Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Bengaluru & CC has categorized it as an Industrial Activity and appraised and recommended the proposal accordingly, the categorization of the proposal under 'Other' category in Parivesh Portal may be accepted.</p>
ii)	<p>From the documents submitted by the State Govt it is not clear that whether these activities were already part of the earlier approved Mining Plan (ML No.2396).</p>	<p>The proposed activities are not part of the earlier approved Mining Plan of Donimalai Iron Ore Mine (ML 2396). The CCF Ballari Circle reports that the proposed components mentioned for diversion are ancillary activities of mining as per the Section 3(d) of the MMDR Act, 1957.</p>

iii)	The State Govt. is requested to submit the detail of total mining lease of the entire Area.	<p>NMDC Ltd. Donimalai is having two operational mining leases in the area which are as follows: -</p> <table border="1" data-bbox="829 212 1476 481"> <thead> <tr> <th>Sl. No.</th> <th>ML No.</th> <th>Extent obtained under MMRD (In ha)</th> <th>Extent obtained under Forest Clearance (In ha)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>2396</td> <td>597.54</td> <td>608.00</td> </tr> <tr> <td>2</td> <td>1111</td> <td>639.80</td> <td>341.20</td> </tr> </tbody> </table> <p>The above approvals under MMRD of both leases are enclosed as Annexure-II.</p>	Sl. No.	ML No.	Extent obtained under MMRD (In ha)	Extent obtained under Forest Clearance (In ha)	1	2396	597.54	608.00	2	1111	639.80	341.20			
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iv)	The State Govt. is requested to submit the details of total Forest land involved in the entire Mining lease and the details regarding how much Forest Area has already been diverted.	<p>NMDC Ltd., Donimalai Complex is having two operational mining leases in the area. The details are as follows: -</p> <table border="1" data-bbox="829 683 1476 1086"> <thead> <tr> <th>Sl. No.</th> <th>ML No</th> <th>Total Forest land involved which approved under MMRD (In ha)</th> <th>Extent obtained under Forest Clearance (In ha)</th> <th>Un-diverted land</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>2396</td> <td>608.00</td> <td>608.00</td> <td>-</td> </tr> <tr> <td>2</td> <td>1111</td> <td>503.51 (487.01 ha +16.50 ha outside lease area)</td> <td>341.20</td> <td>162.31</td> </tr> </tbody> </table> <p>The above Forest Clearance copies of both leases are enclosed as Annexure-III.</p>	Sl. No.	ML No	Total Forest land involved which approved under MMRD (In ha)	Extent obtained under Forest Clearance (In ha)	Un-diverted land	1	2396	608.00	608.00	-	2	1111	503.51 (487.01 ha +16.50 ha outside lease area)	341.20	162.31
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v)	The State Government is requested to submit the approved mining plan and valid documents including the lease period.	The approved Mining Plan of both the mines i.e. Donimalai Iron Ore Mine (ML No. 2396) & Kumaraswamy Iron Ore Mine (ML No. 1111) along with the valid lease documents are enclosed as Annexure-IV (a) & IV(b) .															
vi)	The State Government may clarify whether the instant proposal is part of the old proposal which was granted Stage-II approval vide this Ministry's letter No.8-107/91-FC dt.06.02.2009. KML file for the entire area of lease along with the separate file of non-forest area with the lease shall be provided.	<p>No, the instant proposal of construction of Screening Plant, Tailing Dam, Slurry pipeline Corridor & Water Pipeline Corridor at Donimalai by M/s. National Minerals Development Corporation Limited, Donimalai involving diversion of 75.92 hectares of Forest Land is a standalone project/activity, and it is not part of the old proposal which was granted Stage-II approval vide this Ministry's letter No.8-107/91-FC dated 06.02.2009.</p> <p>There is no link b/w the present proposal with the referred proposal for which Stage-II approval was granted vide MoEF&CC letter No. 8-107/91-FC dated 06.02.2009. The approval referred herein is for mining at Donimalai Iron Ore Mine (ML No.2396).</p> <p>KML file for the entire area of lease (Donimalai Iron Ore Mine; ML No. 2396) along with the</p>															

		separate file of non-forest area with the leases are enclosed as Annexure-V .																				
vii)	The CB ratio uploaded by the User Agency has not been verified / signed by the Competent Authority in the Forest department. Moreover, it shows higher value and shall be re-verified by the State Government. In this regard the State Govt. is requested to submit the revised CB ratio approved as per the latest guidelines.	The User Agency has submitted the revised CB ratio as per the guidelines issued by the MoEF & CC, New Delhi vide letter dated 28.03.2019. Copy of the same is enclosed as Annexure-VI .																				
viii)	The CA scheme for 12 years is uploaded in the PARIVESH portal and the same is not legible. In this regard a legible copy of CA scheme may be uploaded in PARIVESH by the State Government.	The Revised CA scheme (Based on the CSSR-2020-21 Rates) for 12 years is enclosed as Annexure-VII . A legible copy of the same is uploaded.																				
ix)	The present status and KML file of the CA areas w.r.t the earlier granted Stage-II approval vide this Ministry's letter no. 8-107/1991-FC Dt.06.02.2009 may be forwarded to the Ministry.	<p>CA land details with regard to the Stage-II FC in respect of Donimalai Iron Ore Mine (ML No. 2396) granted approval vide Ministry's letter no. 8-107/1991-FC dated 06.02.2009 are as follows;</p> <p>M/s NMDC Ltd. (ML No. 2396) was assigned 608 ha for mining related activities vide Stage-II approval of Ministry letter No. 8-107/1991-FC dated 06.02.2009.</p> <p>However, the UA was stipulated (vide Government of Karnataka vide order No. FEE 61 FFM 2013 dated 01.02.2014) to raise Compensatory Afforestation over 554.50 Ha of non-forest land for the reason that 53.50 Ha of leased land for which FC has been granted was already broken up area.</p> <p>The Details non-forest CA land provided by the UA over which the Department has raised Plantation are as follows;</p> <table border="1"> <thead> <tr> <th>Sl. No.</th> <th>Name of Project</th> <th>Details of CA land (Sy. No. & Village)</th> <th>Extent in Ha.</th> </tr> </thead> <tbody> <tr> <td rowspan="5">1</td> <td rowspan="5">Donimalai Iron Ore Mine (ML No. 2396)</td> <td>129, Gudekote</td> <td>283.00</td> </tr> <tr> <td>909, Gudekote</td> <td>49.00</td> </tr> <tr> <td>236, Halasagar</td> <td>112.00</td> </tr> <tr> <td>488, Halasagar</td> <td>73.00</td> </tr> <tr> <td>1, Kochigere</td> <td>37.50</td> </tr> <tr> <td colspan="3">Total CA area</td> <td>554.50</td> </tr> </tbody> </table> <p>KML file of the CA areas w.r.t the earlier granted Stage-II approval vide this Ministry's letter No. 8-107/1991-FC dated 06.02.2009 are enclosed as Annexure-VIII.</p>	Sl. No.	Name of Project	Details of CA land (Sy. No. & Village)	Extent in Ha.	1	Donimalai Iron Ore Mine (ML No. 2396)	129, Gudekote	283.00	909, Gudekote	49.00	236, Halasagar	112.00	488, Halasagar	73.00	1, Kochigere	37.50	Total CA area			554.50
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x)	The complete compliance of the	Copy of the compliance report of the earlier																				

	earlier diverted area i.e. 608 ha which was granted Stage-II / final approval vide this Ministry's letter no. 8-107/91-FC dated 06.02.2009 may be submitted by the State Government.	diverted areas of 608 Ha (DIOM) which was granted Stage-II approval vide MoEF letter No. 8-107/91-FC dated 06.02.2009 and subsequent order of the GoK vide No. FEE 154 FFM 2008 dated 25.08.2011 as submitted vide letter dated 21.03.2020 is enclosed as Annexure-IX .																			
xi)	The Compensatory Afforestation has been proposed over C&D class over Non-Forest Revenue land equal to the forest land being diverted. But the proposed CA land is reported to be not suitable for carrying out plantation. As per the existing Rules and Guidelines number of plants to be planted over non-Forest land identified for CA shall be at least 1000 plants per hectare. In this regard, the State Govt. is requested to identify the degraded forest land where the balanced seedling can be planted and forward the KML files of the site to this Ministry with the revised CA Scheme.	CA Land identified for the instant proposal for diversion of 75.92 Ha of Forest Land is not suitable for afforestation (Revised Suitability Certificate issued as directed at clarification No. xii). Thus, as per clarification issued by the GOI in Para 2.4 of FC Guidelines, double the extent of degraded Forest Land has been identified by Deputy Conservator of Forests, Ballari Divisionat Sy. No. 243 to 261,263,264,265 & 296 of Boppalapura Village of Hagari Bommana (HB) Halli taluk, Huvinahadagali Range, Ballari District over an extent of 151.84 Ha. The KML file of the degraded forest land and revised CA scheme are enclosed as Annexure-X .																			
xii)	The Site suitability certificate submitted by the Concerned DFO mentions about an area of 451.228 Ha, but the area requirement for CA is instant proposal is 75.92Ha. In this regard, a revised site suitability may be submitted and clear recommendation for the CA area over non-forest land may be provided. From the perusal of documents, it is not understood that why the CA suitability certificate of 451.228 Ha. has been submitted.	The Revised CA suitability certificate for 75.92 ha of Non-Forest revenue land (C&D) is enclosed as Annexure-XI . Initial CA Suitability was for issued for 451.228 as the UA (M/s NMDC) had proposed the said non-forest land area for multiple diversion proposals as detailed below;																			
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xiii)	The proposal is not site specific and it is requested to explore non-forest area for establishing the proposed structures. The details	Since the existing mines of M/s NMDC Ltd and related infrastructure are situated in forest area and thus to optimise their utility, the proposed																			

<p>about the alternate sites explored and identified for the instant proposal by the State Government shall be submitted.</p>	<p>forest land for the screening plant is selected.</p> <p>The UA has justified selection of instant forest land (75.92 Ha in Donimalai Block of Sandur South Range) as same is selected upon reconnaissance survey and evaluation of all alternative possibilities. The UA has stated that they were bound to select instant forest area for the proposed project as there are no revenue lands available in the immediate vicinity & situating the said project in any other non-forest land and connecting the same to the existing facilities of NMDC would further involve diversion of forest land.</p> <p>The UA has requested for considering the proposed forest land for diversion referring to various reasons for selecting the said forest land for the proposed screening plant vide letter dated 15.09.2021.</p> <p>The justification provided by M/s NMDC Ltd in this regard is enclosed as Annexure-XII</p>
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The Chief Conservator of Forests, Ballari Circle has inspected the proposed site on 25-11-2021 and has reported about the following violations committed by the User Agency.

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 related to R & R activities implemented by the User Agency with respect to ML No.2396.

The above details are hereby submitted for levy of suitable Penal Net Present Value on the User Agency for the violations mentioned above and further needful action.

Yours faithfully,



(Rajiv Ranjan IFS)

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

Copy to:

1. The Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. The Deputy Conservator of Forests, Ballari Division, Ballari for information.
3. M/s NMDC Limited, Donimalai Township, Sandur Taluk, Ballari District – 583 118 for information.

No.M MNG/RENW/CR-11/1990-91(NMDC)
Encls:Proposal in 4 sets

Office of the
Chief Conservator of Forests,
Ballari Circle, Ballari.
Date:01-12-2021.

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

Sir,

Sub:-Diversion 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/KA/OTHERS/14576/2015)

ಪ್ರಧಾನ ಮುಖ್ಯ ಅಧಿಕಾರಿ
ಪರಿಸರ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಯವರ ಕಛೇರಿ
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03 DEC 2021

Ref:-1)Letter No.F.No.8-17/2021-FC dated:06-08-2021 of the Government of India, Ministry of Environment, Forests & Climate Change, New Delhi. (sought additional information)

2)Letter No.KFD:HoFF:A5-1(MNG)/31/2019-FC dated:10-08-2021 of the Principal Chief Conservator of Forests(Forest Conservation) and Nodal Officer(FCA), Aranya Bhavan, Bengaluru, addressed to this office and copy marked to you and user agency.

3)Letter No.M1/MNG/NMDC/ML No.1111/2018-19/1468 dated: 28-10-2021 of Deputy Conservator of Forests, Ballari Division, Ballari.

The Deputy Conservator of Forests, Ballari Division, Ballari in his aforesaid letters (3) cited under reference has submitted the additional information/ documents on the 13 points as sought for by the Government of India, Ministry of Environment, Forest and Climate Change, New Delhi, in its letter dated:06-08-2021 in light of the directions issued by your goodself in the letter (2) cited above in respect of diversion 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.

On going through the report submitted by the Deputy Conservator of Forests, Ballari the following point-wise additional information/ documents to the queries as raised by the Government of India, Ministry of Environment, Forest and Climate Change, New Delhi, in its letter (1) cited above, for taking further needful action and onward submission of the same.

Sl. No.	Additional information/ documents as sought for by the GoI, MoEF & CC.	Replies
i)	The User Agency has applied the instant proposal under the other category in PARIVESH portal instead of Mining Category. The components mentioned for diversion seems to the ancillary activities of Mining. In this regard	It is reported that from the reports of the User Agency, the proposed project of construction of Screening Plant, Tailing Dam, Slurry pipeline Corridor & Water Pipeline Corridor at Donimalai by M/s. National Minerals Development Corporation Limited, Donimalai involving diversion of 75.92 hectares of Forest Land is a

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xii)	<p>The Site suitability certificate submitted by the Concerned DFO mentions about an area of 451.228 Ha, but the area requirement for CA is instant proposal is 75.92Ha. In this regard, a revised site suitability may be submitted and clear recommendation for the CA area over non-forest land may be provided. From the perusal of documents, it is not understood that why the CA suitability certificate of 451.228 Ha has been submitted.</p>	<p>The Revised CA Suitability Certificate for 75.92 Ha of Non-Forest revenue land (C&D) is enclosed as Annexure-XI.</p> <p>Initial CA Suitability was for issued for 451.228 as the UA (M/s NMDC) had proposed the said Non-Forest land area for multiple diversion proposals as detailed below;</p> <table border="1" data-bbox="786 1189 1410 1845"> <thead> <tr> <th>Sl. No</th> <th>Area identified at</th> <th>Total Area in Sy.No. (in Ha)</th> <th>Forest Area identified for the specific project</th> <th>Extent of CA land Identified in Ha</th> </tr> </thead> <tbody> <tr> <td rowspan="3">1</td> <td rowspan="3">Sy No. 295 of Appenahalli Village, Kudligi Taluk, Ballari District</td> <td rowspan="3">451.228</td> <td>1) Diversion of 235.64 ha for Regularization and infrastructures.</td> <td>235.648</td> </tr> <tr> <td>2) Diversion of 159.01 ha for Mining (Additional area for ML No.1111)</td> <td>159.01</td> </tr> <tr> <td>3) Diversion of 75.92 ha for Screening Plant, Tailing Dam etc.</td> <td>56.572</td> </tr> <tr> <td colspan="4" style="text-align: center;">Total</td> <td>451.23</td> </tr> </tbody> </table>	Sl. No	Area identified at	Total Area in Sy.No. (in Ha)	Forest Area identified for the specific project	Extent of CA land Identified in Ha	1	Sy No. 295 of Appenahalli Village, Kudligi Taluk, Ballari District	451.228	1) Diversion of 235.64 ha for Regularization and infrastructures.	235.648	2) Diversion of 159.01 ha for Mining (Additional area for ML No.1111)	159.01	3) Diversion of 75.92 ha for Screening Plant, Tailing Dam etc.	56.572	Total				451.23
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xiii)	<p>The proposal is not site specific and it is requested to explore non-forest area for establishing the proposed structures. The details about the alternate sites explored and identified for the instant</p>	<p>Stating that existing mines of M/s NMDC Ltd and related infrastructure are situated in Forest Area and thus to optimize their utility the proposed forest land for the screening plant is selected.</p> <p>The UA has justified selection of instant forest land</p>																			

<p>proposal by the State Government shall be submitted.</p>	<p>(75.92 Ha in Donimalai Block of Sandur South Range) as same is selected upon reconnaissance survey and evaluation of all alternative possibilities. The UA has stated that they were bound to select instant Forest Area for the proposed project as there are no revenue lands available in the immediate vicinity & situating the said project in any other non-forest land and connecting the same to the existing facilities of NMDC would further involve diversion of forest land.</p> <p>Further, referring to various reasons for selecting the said Forest Land for the proposed screening plant (vide letter Dt.15.09.2021) the UA has requested for consider the proposed forest land for diversion.</p> <p>The justification provided by M/s NMDC Ltd in this regard are enclosed as Annexure-XII.</p>
	<p>Further, I have inspected the proposed site on 25-11-2021 and following violations committed by the user agency are noticed.</p> <ol style="list-style-type: none"> 1. The user agency has already laid pipeline about 400 meters (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 meters length in the proposed Screening Plant-II area and about 376 meters 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 related to R & R activities implemented by the user agency with respect to ML.No.2396. <p>For, all these violations suitable penal NPV etc., should be levied on the user agency.</p>

This is for your kind information and further needful action in the matter.

Yours faithfully,


Chief Conservator of Forests,
Ballari Circle, Ballari.

No.MI/MNG/RENW/CR-11/1990-91(NMDC)
Encls:Proposal in 4 sets

Office of the
Chief Conservator of Forests,
Ballari Circle, Ballari.
Date:20-11-2021.

To,
The Principal Chief Conservator of Forests,
(Head of Forest Force),
Aranya Bhavan, Bengaluru.

Sir,

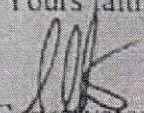
Sub:-Diversion of 75.92 ha of forest land for construction of screening plant, Tailing dam, Slurry pipeline corridor & water pipeline corridor at Donimalai in favour of M/s National Minerals Development Corporation Limited, Donimalai, Sandur - reg.
(FC online application No.FP/KA/OTHERS/14576/2015)

- Ref:- 1)Letter No.F.No.8-17/2021-FC dated:06-08-2021 of the Government of India, Ministry of Environment, Forests & Climate Change, New Delhi. (sought additional information)
2)Letter No.KFD:HoFF:A5-1(MNG)/31/2019-FC dated:10-08-2021 of the Principal Chief Conservator of Forests(Forest Conservation) and Nodal Officer(FCA), Aranya Bhavan, Bengaluru, addressed to this office and copy marked to you and user agency.
3)Letter No.MI/MNG/NMDC/ML No.1111/2018-19/1468 dated: 28-10-2021 of Deputy Conservator of Forests, Ballari Division, Ballari.

The Deputy Conservator of Forests, Ballari Division, Ballari in his aforesaid letter (3) cited under reference has submitted the additional information /documents on the thirteen points as sought for by the Government of India, Ministry of Environment, Forest and Climate Change, New Delhi in its letter dated:06-08-2021 in light of the directions received by your goodself in respect of diversion 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, Ballari District, Karnataka under section-2 of the Forest(Conservation). Act 1980.

Hence, I am submitting herewith the point-wise replies with relevant information/ documents submitted by the Deputy Conservator of Forests, Ballari Division, Ballari to the shortcomings as sought for by the GOI. The copy of the DCF's report and its enclosures are enclosed herewith. This is for your kind information and further needful action in the matter.

Yours faithfully,


Chief Conservator of Forests,
Ballari Circle, Ballari.



OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
BALLARI DIVISION, BALLARI

No.M1/MNG/NMDC/M.L.No.1111/2018-19/1468.

Dated: 28.10.2021

Encl. 05 sets. proposals.

To,
✓ The Chief Conservator of Forests,
Ballari Circle, Ballari

Sir,

Sub: Diversion of 75.92 ha forest land for Construction of Screening Plant, Tailing Dam, Slurry pipeline Corridor & Water Pipeline Corridor at Donimalai of M/s, National Minerals Development Corporation Limited, Donimalai, Sandur, (FC Online Application No. FP/KA/OTHERS/14576/2015) – Reg.

ಮಾನ್ಯ ಮಂತ್ರಿ ಸಂಸ್ಥೆ
ಬಳ್ಳಾರಿ ಜಿ. ಸಂಸ್ಥೆ.
30 OCT 21
ಮಾನ್ಯ ಮಂತ್ರಿ
30/10/21

- Ref: 1) Letter No. 8-1/2021-FC Dt.06.08.2021 of the Government of India
2) Letter No. FEE 16 FFM 2021(e) Dt. 25.06.2021 of the Government of Karnataka
3) Letter No. A(5)/MNG/CR-15/2015-16 Dt.09/10.08.2021 of the Principal Chief Conservator of Forests, (Forest Conservation), Bangalore
4) Letter No.M1/MNG/RENW/CR-11/1990-91(NMDC) Dt.23.08.2021 of the Chief Conservator of Forests, Ballari Circle, Ballari
5) This office even number letter Dt.27.08.2021.
6) Letter No.DNM/ENV/89/2021/2484 Dt.02.09.2021 of M/s. NMDC Limited, Donimalai.
7) Letter No. ACF/TA/NMDC/1111/Screen plant/2021-22 Dt.04.09.2021 of the Assistant Conservator of Forests, Ballari Sub-Division, Ballari
8) Letter No.DNM/ENV/89/2021/2484 Dt.15.09.2021 of M/s. NMDC Limited, Donimalai.

With reference to the above subject, the Government of India has sought certain information regarding diversion of 75.92 ha forest land for Construction of Screening Plant, Tailing Dam, Slurry pipeline Corridor & Water Pipeline Corridor at Donimalai of M/s National Minerals Development Corporation Limited, Donimalai, Sandur (FC Online Application No. FP/KA/OTHERS/14576/2015) vide letter under Ref (1).

Further, the Principal Chief Conservator of Forests (Forest Conservation), Bangalore and the Chief Conservator of Forests, Ballari Circle, Ballari have directed undersigned to submit details of information as sought by Government of India vide letter under Ref (3) & (4). In this regard, the undersigned has directed the field officers and the User Agency to submit the information vide letter under Ref (5). The same has been received through Assistant Conservator of Forests, Ballari vide letter under Ref (7). Further, the User Agency has provided additional information regarding the proposed project vide letter under Ref(8).

Upon perusal of the reports and verification of relevant documents available with the office of the u/s, I am submitting herewith following information as sought by Government of India;

Sl. No.	Particulars	Reply												
i)	<p>The User Agency has applied the instant proposal under the other category in PARIVESH portal instead of Mining Category. The components mentioned for diversion seems to the ancillary activities of Mining. In this regard the State Govt. may provide its Justification.</p>	<p>It is observed from the reports of the User Agency that, the proposed project of construction of Screening Plant, Tailing Dam, Slurry pipeline Corridor & Water Pipeline Corridor at Donimalai by M/s. National Minerals Development Corporation Limited, Donimalai involving diversion of 75.92 hectares of Forest Land is a standalone project/activity and it is not ancillary activities of Mining.</p> <p>Refereeing to the proceedings of a meeting of the Committee constituted by the MoEF&CC held during 24th - 25th October, 2016 for grant of Environment Clearance, the UA has stated that the proposed activity is independent of mining. Here in the committee was of the view that <i>'the proposal needs to be transferred to the EAC (Industry Sector) as the proposal is only for the beneficiation process which is outside the lease area</i> and the project proposal falls in Schedule 2(b) as per the provisions of the EIA Notification, 2006'. (Minutes of the meeting are enclosed as Annexure-I(A) & I(B)).</p> <p>The justification submitted by the User Agency is enclosed as Annexure-I(C).</p>												
ii)	<p>From the documents submitted by the State Govt it is not clear that whether these activities were already part of the earlier approved Mining Plan (ML No.2396).</p>	<p>The proposed activities are not part of the earlier approved Mining Plan of Donimalai Iron Ore Mine (ML 2396). The proposed project of construction of Screening Plant, Tailing Dam, Slurry pipeline Corridor & Water Pipeline Corridor at Donimalai by M/s. National Minerals Development Corporation Limited, Donimalai involving diversion of 75.92 hectares of Forest Land is a standalone project/activity and it is not ancillary activities of Mining.</p>												
iii)	<p>The State Govt. is requested to submit the detail of total mining lease of the entire Area.</p>	<p>NMDC Ltd. Donimalai is having two operational mining leases in the area the details of which are as follows: -</p> <table border="1" data-bbox="837 1736 1476 2004"> <thead> <tr> <th>Sl. No.</th> <th>ML No.</th> <th>Extent obtained under MMRD (In ha)</th> <th>Extent obtained under Forest Clearance (In ha)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>2396</td> <td>597.54</td> <td>608.00</td> </tr> <tr> <td>2</td> <td>1111</td> <td>639.80</td> <td>341.20</td> </tr> </tbody> </table> <p>The above approvals under MMRD of both leases are enclosed as Annexure-II.</p>	Sl. No.	ML No.	Extent obtained under MMRD (In ha)	Extent obtained under Forest Clearance (In ha)	1	2396	597.54	608.00	2	1111	639.80	341.20
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x)	The complete compliance of the earlier diverted area i.e 608ha which was granted Stage-II / final approval vide this Ministry's letter no. 8-107/91-FC dt.06.02.2009 may be submitted by the State Government.	Copy of the compliance report of the earlier diverted areas of 608 Ha (DIOM) which was granted Stage-II approval vide MoEF letter No. 8-107/91-FC Dt. 06.02.2009 and subsequent Order of the GoK vide No. FEE 154 FFM 2008 Dt. 25.08.2011 as submitted vide letter Dt.21.03.2020 is enclosed as Annexure-IX .
xi)	The Compensatory Afforestation has been proposed over C&D class over Non-Forest Revenue land equal to the forest land being diverted. But the proposed CA land is reported to be not suitable for carrying out plantation. As per the existing Rules and Guidelines number of plants to be planted over non-Forest land identified for CA shall be at least 1000 plants per hectare. In this regard, the State Govt. is requested to identify the degraded forest land where the balanced seedling can be planted and forward the KML files of the site this Ministry with the revised CA Scheme.	CA Land identified for the instant proposal for diversion of 75.92 Ha of Forest Land is not suitable for afforestation (Revised Suitability Certificate issued as directed at Clarification No. xii). Thus, as per Clarification issued by the GoI in Para 2.4 of FC Guidelines, double the extent of degraded Forest Land identified at Sy. No. 243 to 261,263,264,265 & 296 of Boppalapura Village of Hagari Bommana (HB) Halli taluk, Huvinahadagali Range, Ballari District over an extent of 151.84 Ha. The KML file of the degraded forest land and revised CA scheme are enclosed as Annexure-X .
xii)	The Site suitability certificate submitted by the Concerned DFO mentions about an area of 451.228 Ha, but the area requirement for CA is instant proposal is 75.92Ha. In this regard, a revised site suitability may be submitted and clear recommendation for the CA area over non-forest land may be provided. From the perusal of documents, it is not understood that why the CA suitability certificate of 451.228 Ha. has been submitted.	The Revised CA Suitability Certificate for 75.92 Ha of Non-Forest revenue land (C&D) is enclosed as Annexure-XI . Initial CA Suitability was for issued for 451.228 as the UA (M/s NMDC) had proposed the said Non-Forest land area for multiple diversion proposals as detailed below;

Sl. No	Area identified at	Total Area in Sy.No. (in Ha)	Forest Area identified for the specific project	Extent of CA land Identified in Ha
1	Sy No. 295 of Appenahalli Village, Kudligi Taluk, Ballari District	451.228	1) Diversion of 235.64 ha for Regularization and infrastructures. 2) Diversion of 159.01 ha for Mining (Additional area for ML No.1111) 3) Diversion of 75.92 ha for Screening Plant, Tailing Dam etc.	235.648 159.01 56.572 (Remaining 19.348 Ha area identified in Sy. No.432 of

					Kasapura Village, Kudligi taluk, Ballari District)
					451.23
				Total	
xiii)	The proposal is not site specific and it is requested to explore non-forest area for establishing the proposed structures. The details about the alternate sites explored and identified for the instant proposal by the State Government shall be submitted.	Stating that existing mines of M/s NMDC Ltd and related infrastructure are situated in Forest Area and thus to optimise their utility the proposed forest land for the screening plant is selected.	The UA has justified selection of instant forest land (75.92 Ha in Donimalai Block of Sandur South Range) as same is selected upon reconnaissance survey and evaluation of all alternative possibilities. The UA has stated that they were bound to select instant Forest Area for the proposed project as there are no revenue lands available in the immediate vicinity & situating the said project in any other non-forest land and connecting the same to the existing facilities of NMDC would further involve diversion of forest land.	Further, referring to various reasons for selecting the said Forest Land for the proposed screening plant (vide letter Dt.15.09.2021) the UA has requested for consider the proposed forest land for diversion.	The justification provided by M/s NMDC Ltd in this regard are enclosed as Annexure-XII

This is for your kind information and needful action.

Yours Faithfully,

Deputy Conservator of Forests,
Ballari Division, Ballari