ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003 Aranya Bhavan, 18th Cross Malleshwaram, Bengaluru-560 003 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

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)	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.	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.
Ly de la constant de	See as a second of the control of th	Refereeing to the proceedings of a meeting of the committee constituted by the MoEF & CC held during 24 th - 25 th 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 '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 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).
		The justification submitted by the User Agency is enclosed as Annexure-I(C) .
		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.
	The state of the s	As per Section 3(d) of MMDR Act, 1957 "mining operations" means any operations undertaken for the purpose of winning any mineral; 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.
ii)	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).	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.

iii)	The State Govt. is requested to submit the detail of total mining		C Ltd.	Donimalai is h s in the area w	naving two	operationa follows: -
	lease of the entire Area.		ML No.		d (IRD un	Extent obtained der Forest earance (In ha)
	Tool year oxygened only Code	1	2396	597.54	tion ratio	608.00
	1988 O'THE Versions of Education	2	1111	639.80		341.20
	one season is a personal to the season of th	The a	above are end	approvals und closed as Anne	ler MMR	D of both
iv)	The State Govt. is requested to submit the details of total Forest land involved in the entire Mining lease, and the details regarding	NMD operat	C Ltd.,	Donimalai Conining leases in	omplex is	having two The details
	lease and the details regarding how much Forest Area has already been diverted.		ML No	Total Forest land involved which approved under MMRD (In ha)	Extent obtained under Forest Clearance (In ha)	land
	artification and intermediate as a	1	2396	608.00	608.00	
		2	1111	503.51 (487.01 ha +16.50 ha outside lease area)	341.20	162.31
		The ab	ove For	rest Clearance s Annexure-I l	copies of	both leases
	The State Government is requested to submit the approved mining plan and valid documents including the lease period.	Donim Kumar along enclose	alai Iro aswamy with ed as <u>Ar</u>	Mining Plan of on Ore Mine y Iron Ore M the valid leannexure-IV (a	(ML No. ine (ML ase docure) & IV(b)	2396) & No. 1111) ments are
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. No, the instant prop Screening Plant, Tailing Corridor & Water Donimalai by M/s Development Corporate involving diversion of Land is a standalone proposal with the lease shall be provided. Stage-II approval vide No.8-107/91-FC dated to No.8-107/91-					of constram, Slurr, eline Co National Limited, 12 hectares activity, ar which was Ministr	ruction of y pipeline rridor at Minerals Donimalai of Forest and it is not s granted
		There in the reference was grant 107/91-creferred	s no lir rred pro anted FC da herein	posal for which wide MoEF& ted 06.02.200 is for mining No.2396).	esent prop th Stage-II CC letter 199. The	No. 8-approval
		KML fi	le for the Mine	ne entire area o ; ML No. 239	of lease (D 96) along	Oonimalai with the

Us / Au dej hig ver In rec CE gu viii) Th up	re CB ratio uploaded by the ser Agency has not been verified signed by the Competent of thority in the Forest partment. Moreover, it shows the value and shall be re-rified by the State Government. This regard the State Govt. is quested to submit the revised B ratio approved as per the latest idelines.	ratio as CC, N Copy o	per the guide ew Delhi vi	as submitted the relines issued by the deletter dated 2 enclosed as Anne	e MoEF & 8.03.2019.	
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CA PA	loaded in the PARIVESH rtal and the same is not legible. this regard a legible copy of A scheme may be uploaded in ARIVESH by the State overnment.	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.				
of grathi 10 be	the CA areas w.r.t the earlier anted Stage-II approval vide is Ministry's letter no. 8-7/1991-FC Dt.06.02.2009 may forwarded to the Ministry.	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; M/s NMDC Ltd. (ML No. 2396) was assigne 608 ha for mining related activities vide Stage-I approval of Ministry letter No. 8-107/1991-FC dated 06.02.2009. However, the UA was stipulated (vid Government of Karnataka vide order No. FEI 61 FFM 2013 dated 01.02.2014) to rais Compensatory Afforestation over 554.50 Ha on non-forest land for the reason that 53.50 Ha of				
rest legs		Sl. No.	Name of Project	Details of CA land (Sy. No. & Village)	Extent in Ha.	
	Conception Selection of the control	1	Donimalai Iron Ore Mine (ML No. 2396)	129, Gudekote 909, Gudekote 236, Halasagar 488, Halasagar 1, Kochigere	283.00 49.00 112.00 73.00 37.50	
ward o		Total	CA area	98.801 E	554.50	
		KML file of the CA areas w.r.t the earliegranted Stage-II approval vide this Ministry letter No. 8-107/1991-FC dated 06.02.2009 are enclosed as Annexure-VIII .				
x) Th	ne complete compliance of the	-		liance report of	the earlie	

earlier diverted area i.e. 608 ha diverted areas of 608 Ha (DIOM) which was which was granted Stage-II / final granted Stage-II approval vide MoEF letter No. approval vide this Ministry's 8-107/91-FC dated 06.02.2009 and subsequent letter no. 8-107/91-FC dated order of the GoK vide No. FEE 154 FFM 2008 06.02.2009 may be submitted by dated 25.08.2011 as submitted vide letter dated the State Government. 21.03.2020 is enclosed as Annexure-IX. The Compensatory Afforestation has been proposed over C&D CA Land identified for the instant proposal for class over Non-Forest Revenue diversion of 75.92 Ha of Forest Land is not land equal to the forest land being suitable for afforestation (Revised Suitability diverted. But the proposed CA Certificate issued as directed at clarification No. land is reported to be not suitable for carrying out plantation. As Thus, as per clarification issued by the GOI in per the existing Rules Para 2.4 of FC Guidelines, double the extent of Guidelines number of plants to be degraded Forest Land has been identified by planted over non-Forest land Deputy Conservator identified for CA shall be at least of Forests, Ballari Divisionat Sy. No. 243 to 261,263,264,265 & 1000 plants per hectare. In this 296 of Boppalapura Village of Hagari regard, the State Govt. Bommana (HB) Halli taluk, Huvinahadagali requested to identify the degraded Range, Ballari District over an extent of 151.84 forest land where the balanced Ha. The KML file of the degraded forest land seedling can be planted and and revised CA scheme are enclosed as forward the KML files of the site Annexure-X. to this Ministry with the revised CA Scheme. xii) The Site suitability certificate The Revised CA suitability certificate for 75.92 submitted by the Concerned DFO ha of Non-Forest revenue land (C&D) is mentions about an area of 451.228 enclosed as Annexure-XI. Ha, but the area requirement for Initial CA Suitability was for issued for 451.228 CA is instant proposal is 75.92Ha. as the UA (M/s NMDC) had proposed the said In this regard, a revised site non-forest land area for multiple diversion suitability may be submitted and proposals as detailed below; clear recommendation for the CA area over non-forest land may be Total Forest Area Area Extent of CA SI. provided. From the perusal of Area in identified for identified land Identified No Sy.No. the specific documents, it is not understood at in Ha (in Ha) project that why the CA suitability 1) Diversion of 235.64 ha for certificate of 451.228 Ha. has Regularization 235.648 been submitted. and infrastructures. 2) Diversion of 159.01 ha for Sy No. 295 Mining of (Additional area 159.01 Appenahalli for ML Village, No.1111) 451.228 Kudligi Taluk. 3) Diversion of 56.572 Ballari 75.92 ha for District Screening (Remaining Plant, Tailing 19.348 Ha area Dam etc. identified in Sy. No.432 of Kasapura Village, Kudligi taluk, Ballari District) Total xiii) The proposal is not site specific Since the existing mines of M/s NMDC Ltd and and it is requested to explore nonrelated infrastructure are situated in forest area forest area for establishing the and thus to optimise their utility, the proposed

proposed structures. The details

about the alternate sites explored and identified for the instant proposal by the State Government shall be submitted. 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.

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.

The justification provided by M/s NMDC Ltd in this regard is enclosed as **Annexure-XII**

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,

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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. ೆಂರಕ್ಷಣಾಧಿಕಾರಿಯವರ ಕಥ್ಡ

ಮುಖ್ಯಸ್ಥರು ಅರಣ್ಯಪಡೆ). ಕರ್ನಾಟಕ, ಬೆಂಗಳೂ (FC online application No.FP/KA/OTHERS/14576/2015)

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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 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.

SI. No.	Additional information/ documents as sought for by the GoI, MoEF & CC.	Replies
i)	instant proposal under the other category in PARIVESH portal instead of Mining Category. The components mentioned for diversion seems to the ancillary	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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submitted by the DCF, Ballari. Further, as pethe section 3(d) of the MMDR Act, 1957 the proposed components mentioned for diversion are ancillary activities of mining. It is reported that the proposed activities are not part of the earlier approved Mining Plan of Donimala 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 Mineral Development Corporation Limited, Donimala involving diversion of 75.92 hectares of Forest Land is a standalone project/activity and it is not ancillary activities of Mining. However, I am not agreeing with the justification submitted by the DCF, Ballari. Further, as pethe section 3(d) of the MMDR Act, 1957 the proposed components mentioned for diversion are ancillary activities of mining. M/s NMDC Ltd. Donimalai is having two operational mining leases in the area the details owhich are as follows: SI. ML Extent Obtained under MMRD (In ha) The State Govt. is requested to submit the detail of total mining lease of the entire Area. SI. ML Extent Obtained under Forest Clearance (In ha) 1 2396 597.54 608.00 2 1111 639.80 341.20 The above approvals under MMRD of both lease	25000	the State Govt. may provide its Justification.		lone proies of M		it is not ancillary		
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v)	The State Government is requested to submit the approved mining plan and valid documents including the lease period.	Donin Kuma with Anne	nalai In raswam the val xure-IV	d Mining Plan or on Ore Mine by Iron Ore Mine id lease documed (a) & IV(b). Stant proposal	(ML No. 1 e (ML No. 1 eents are e	2396) & 111) alon nclosed a
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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 reverified by the State Government.	The User Agency has submitted the revised ratio as per the Guidelines issued by the MoE CC, New Delhi vide letter Dt. 28.03.2019. Cop the same is enclosed as Annexure-VI .				e MoEF

	requested to submit the revised CB ratio approved as per the latest guidelines.	sisteritus (2)4416 ₁₈ 1870cus 12	us projekta Recellado Referencias	*	\$	
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 CSS) 2020-21 Rates) for 12 years is enclosed Annexure-VII. A legible copy of the same uploaded				
	231 P P P P P P P P P P P P P P P P P P P	respect granted	of Donimala approval	h regard to the St Iron Ore Mine (Novide Ministry's 06.02.2009 are as	AL No. 2396) letter no.8-	
	the transfer end of the transfer of the transf	ha for	mining related of Ministry	L No. 2396) was ated activities valetter No. 8-107.	ide Stage-II	
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.	However, the UA was stipulated (vide Government of Karnataka vide order No. FEE 61 FFM 201 Dt.01.02.2014) to raise Compensator 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. the Details non-forest CA land provided by the Ua over which the Department has raised Plantation are as follows;				
	be forwarded to the firmingty.	Sl. No.	Name of Project	Details of CA land (Sy. No. & Village)	Extent in Ha.	
	The state of the s	1	Donimalai Iron Ore Mine (ML No. 2396)	129, Gudekote 909, Gudekote 236, Halasagar 488, Halasagar 1, Kochigere	283.00 49.00 112.00 73.00 37.50	
	Legislation Company (Selegisland) in	THE SECOND SECON				
	though specific year estably self-ac- tion pools to self-an alive pooled are a an area as a second-ace to the					
x)	The complete compliance of the earlier diverted area i.e. 608 ha which was granted Stage-II / final	Annexure-VIII. 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.				

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. 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.

xi)

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 Bommana (HB) of Hagari Halli 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.

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:

SI. No	identified		Extent of CA land Identified in Ha	
	k Land Test Standish k		Diversion of 235.64 ha for Regularization and infrastructures.	235.648
İ	Sy No. 295 of Appenahall i Village, Kudligi	451.228	2) Diversion of 159.01 ha for Mining (Additional area for ML No.1111)	159.01
	Taluk, Ballari District	3) Diversion of 75.92 ha for Screening Plant, Tailing Dam etc.	(Remaining 19.348 Ha area identified in Sy. No.432 of Kasapura Village, Kudligi taluk, Ballari District)	
	18k7/****	Total		451.23

and it is requested to explore nonforest area for establishing the xiii) proposed structures. The details about the alternate sites explored and identified for the instant

The proposal is not site specific

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.

The UA has justified selection of instant forest land

xii)

proposal by the State Government (75.92 Ha in Donimalai Block of Sandur 5th shall be submitted. 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. Further, I have inspected the proposed site on 25-11-2021 and following violations committed by the user agency are noticed. 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.

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

Yours faithfully,

For, all these violations suitable penal NPV

etc., should be levied on the user agency.

Chief Conservator of Forests, Ballari Circle, Ballari.

Date pot snown 20/11/2027

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.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 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, Sturry 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.MI/MNG/NMDC/M.L.No.1111/2018-19/1468. Encl. 05 sets. proposals.

Dated: 28.10.2021

To,

The Chief Conservator of Forests, Ballari Circle, Ballari

Sir,

u900 द € . 10000.

3 0 001

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

edia accessione de Application No. FP/KA/OTHERS/14576/2015) - Reg.

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.

 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)	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.	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. Refereeing to the proceedings of a meeting of the Committee constituted by the MoEF&CC held during 24 th - 25 th 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 '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 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). The justification submitted by the User Agency is enclosed as Annexure-I(C). 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				
ii)	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).					
iii)	The State Govt. is requested to submit the detail of total mining lease of the entire Area.	NMDO	C Ltd. D g leases	Extent obtained under MMRD (In ha)		
	of the second second in the second in the second se			639.80 oprovals under Mosed as Annexure		

	Place Property and a second control of the control	NMDC Ltd., Donimalai Complex is having two operational mining leases in the area the detail of which are as follows: -					
iv	lease and the details regarding	t g	ML No	Total Forest land involved which approved under MMRD (In ha)	Extent obtained under Forest Clearance (In ha)	Un- diverte d land	
	how much Forest Area has already been diverted.	5 2	2396 1111 20ve For	608.00 503.51 (487.01 ha +16.50 ha outside lease area) rest Clearance co	608.00 341.20	162.31	
v)	The State Government is requested to submit the approved mining plan and valid documents including the lease period.	The ap Donim Kumar along	proved alai Iro aswamy	Annexure-III. Mining Plan of on Ore Mine (It y Iron Ore Mine the valid lease	both the mi ML No. 23 e (ML No.	ines i.e. 396) &	
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.	along with the valid lease documents are enclosed as Annexure-IV (a) & IV(b). 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, is not 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. 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 Dt. 06.02.2009. The approval referred here in is for mining at Donimalai Iron Ore Mine (ML No.2396). KML file for the entire area of lease (Donimalai Iron Ore Mine; ML No. 2396) along with the separate file of non-forest area with the leases are enclosed as Annexure-V.					
	Authority in the Forest department. Moreover, it shows	ratio as MoEF&(per to CC, N 19. Cop	by has submitted the Guidelines few Delhi vi by of the same	issued by de letter	the Dt	

	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 CA scheme for 12 years is				CGGD
viii)	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.	2020 21	Rates) for e-VII. A leg	me (Based on the 12 years is encl ible copy of the	losed as
		respect of 2396) gra 8-107/19 following	of Donimalai anted approva 91-FC date g;	egard to the Stage Iron Ore Mine of Il vide Ministry's d: 06.02.2009	letter no. are as
		608 ha f	or mining relationships of Ministry	L No. 2396) was ated activities vid letter No. 8-107	e Stage-11
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.	Government of the Compension on-fore leased lease leased l	ment of Karn M 2013 Isatory Afford est land for the and for which Broken Up ar	et CA land provide ne Department la lows;	to raise 50 Ha of 50 Ha of anted was
		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 909, Gudekote 236, Halasagar 488, Halasagar 1, Kochigere	283.00 49.00 112.00 73.00 37.50
			Total Ca	A area	554.50
	STARS	granted	1 Stage-II an	CA areas w.r.t proval vide this 991-FC Dt. 06.0	Ministry

enclosed as Annexure-VIII.

The complete compliance of the earlier diverted area i.e 608ha which was granted Stage-II / final X) approval vide this Ministry's letter 8-107/91-FC no. dt.06.02.2009 may be submitted by the State Government. 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. xii). per the existing Rules and Guidelines number of plants to be planted over non-Forest land xi) 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.

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**.

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.

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
			Diversion of 235.64 ha for Regularization and infrastructures.	235.648
1	Sy No. 295 of Appenahall i Village, Kudligi Taluk, Ballari	451.228	2) Diversion of 159.01 ha for Mining (Additional area for ML No.1111)	159.01
	District		3) Diversion of 75.92 ha for Screening Plant, Tailing Dam etc.	56.572 (Remaining 19.348 Ha area identified in Sy. No.432 of

xii)

Kasapura Village, Kudligi taluk, Ballari District) Total 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 The proposal is not site specific alternative possibilities. The UA has stated that and it is requested to explore nonthey were bound to select instant Forest Area for forest area for establishing the the proposed project as there are no revenue proposed structures. The details lands available in the immediate vicinity & xiii) about the alternate sites explored situating the said project in any other non-forest and identified for the instant land and connecting the same to the existing proposal by the State Government facilities of NMDC would further involve shall be submitted. 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