

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

Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi: 1100 03,

Dated: 26th November, 2020

To,
The Additional Chief Secretary (Forests),
Department of Forests & Environment,
Government of Karnataka,
Bangalore.

Sub: Proposal for diversion of 401.5761 hectare (*revised from 484.0733 ha.*) (388.00 ha for mining + 13.5761 ha. for approach road=401.5761 ha.) of forest land in Swamimalai (SM) Block Forest, Sandur Taluk, Ballari District for Iron Ore and Manganese Ore Mining in Devadari Hill Range in favour of IWs KIOCL Ltd. (formerly Kudremukh Iron Ore Company Limited), Bengaluru.-regarding (Online Proposal No. FP/KA/MIN/32568/2018). -reg.

Madam/Sir,

Reference above mentioned subject matter and State Government's letter no. FEE 19FFM 2020 (e) dated 09th October, 2020 seeking prior approval of the Central Government in accordance with Section-2 (ii) of the Forest (Conservation) Act, 1980. After preliminary scrutiny of the proposal in the Ministry, following shortcomings have been found:

- i. The DFO, CF and Nodal Officer (FCA) and PCCF (HoFF) have not recommended the proposal. However, the State Govt. has overruled the objections of forest department and has recommended the proposal. In the recommendation letter of State Govt. has mentioned that the user agency is ready to exclude 82 ha out of 484.0733 ha proposed forest land. Therefore, feasibility of the proposal may be looked into by the State Government.
- ii.
 - a. The user agency has not provided/uploaded the shape file/KML of 401.5761 ha. (388.00 ha. for mining + 13.5761 ha. for approach road, downhill conveyor etc.) applied for diversion and accordingly revised CA for plantation.
 - b. As per the kml file of proposed forest land for diversion; a patch of already mined area is visible on Google overlay. This issue need clarification.
- iii. The State Govt. has not submitted copy of approved DGPS map along with 1:50,000 SoI map showing the 401.5761 ha. sought for diversion as well as CA sites as identified by the State Govt.,
- iv. The purpose wise breakup of the forest land proposed for diversion has not been provided with the proposal.
- v. Valid mining lease document in the instant matter needs submission.

vi. Approved land use plan needs submission.

vii. As per DSS analysis

- a. Compensatory Afforestation has been proposed in 17 patches, which are located in Bellary district of Karnataka State. Out of 17 CA sites, KML file of one CA site of 100 ha (Range: Kudligi) is not available in PARIVESH portal.
 - b. Out of total area proposed for CA, approx. 6.00 ha area is rocky/water body/not suitable for plantation. The State Govt. may kindly provide its comment/justification in this regard.
 - c. Proposed CA patches are scattered and it will be appropriate to check the suitability of CA sites on the basis of location and protection of plantation.
 - d. The KML files uploaded for CA shows certain old plantations, water bodies and a small Dam; clarification of the State Government need submission. Hence a certificate stating that no plantation activity has taken place in the proposed CA patches in last 10 years needs to be submitted.
- viii. DCF in his SIR has mentioned that the production capacity of all the existing mines 59 'A' & 'B' category mines, 26 'C' category mines and 14 mines whose 'R&R' plan is yet to be approved) is calculated as 53.599 MMT which far exceeds the 28 MMT Maximum Permissible Annual Production (MPAP) limit fixed for the 'A & B' category mines of Bellary district (According to Hon'ble Supreme Court of India Judgement dated 14.12.2017, in the Samaj Parivartana Samudaya & Ors. Vs State of Karnataka & Ors.). Therefore, State Government may submit clarification on new mining leases prior to expiry of existing mining leases as well as exceeding 28 MMT maximum permissible annual production.
- ix. Site Inspection Report of the concerned DCF mentions regarding minutes of meeting held on 28-03-2016 under the Chairmanship of PCCF (HoFF), Bengaluru, wherein it was decided not to grant approvals for new mining lease in the fresh forest areas. This contradiction regarding mooted a proposal for fresh mining lease in forest area need justification/comments of the State Government.
- x. As per the enclosed enumeration of trees, about 99,330 number of trees will be affected during various stages of project implementation. State Government shall try for reduction in number of trees to be felled/cut in the instant proposal.
- xi. The DCF in his SIR has mentioned that the requirement of Forest land as proposed by the user agency in column no.2 of part-I is avoidable as there are 67 different categories of existing mine (all broken up area) available for auctioning or allotment or resumption (in addition to 32 currently working mines). Any of the existing but non-working mining areas can be allotted to KIOCL through necessary change in the existing guidelines or rules after following due process. A comment/justification/clarification in this regard from the State Government is needed.

In view of the above, the State Government is requested to submit the information/clarification/justification/documents as indicated above, to this Ministry for further consideration of the proposal.

Yours faithfully,

Sd/-

(Brijendra Swaroop)

Dy. Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests (HoFF), Department of Forests,

Government of Karnataka, Bangalore;

2. The Nodal Officer, (FCA), Department of Forest, Government of Karnataka, Bangalore;
3. The Regional Officer , Regional Office (Southern Zone), MoEF&CC, Bangalore;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi.