

No.M1/MNG/KOICL/Bly/CR-/2017-18

Office of the
Deputy Conservator of Forests
Ballari Division, Ballari
Dated: 31.07.2020

To,

The Chief Conservator of Forests,
Ballari Circle, Ballari.

Sir,

Sub: Diversion of 484.0733 ha (470.40 ha mining lease area + 13.673 ha for conveyor, corridor, road etc.) of forest land in Swamy Malai (SM) Forest Block, Sandur Taluk, Ballari District for Devadari Iron Ore and Manganese Ore mining lease in favour of M/s. KIOCL Limited, Bangalore (Proposal No. FP/KA/MIN/32568/2018[FORM-A] - Reg.

Ref:1) Letter No. A5(1)/MNG/CR-2/2017-18 Dt. 25.06.2020 from the Principal Chief Conservator of Forests (Forest Conservation), Bangalore
2) Your office Letter No. M1/MNG/KIOCL/FLD/CR-6/2019-20 Dt. 02.07.2020

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With reference to the above subject and in pursuance to the direction to examine the request of the User Agency and to submit the opinion, a site visit was undertaken on 30th July, 2020. Further, upon perusal of the records available with the office, I am herewith submitting the following opinion with regard to the same;

1. Referring to the decision taken during a meeting held on 23.01.2014, the Department in its communication to the Government (vide Letter from O/o the PCCF (HoFF) Dt. 17.03.2016) has stated that "the grant of new mining lease in forest areas is to be done after auctioning of C-category mines, resumption of mining in already broken-up areas and grant of new mines if any in Revenue areas" (Annexure - 1).
2. Hon'ble Supreme Court in its order Dt. 14.12.2017 with regard to the Writ Petition No. 562/2009 (Samaj Parivartana Samudaya & Others Vs. State of Karnataka & Others), accepting the report submitted by the CEC has prescribed a maximum annual production ceiling for Ballari District with regard to Category A & B mining leases, which is 28 MMT, an enhancement of 3 MMT from the previous ceiling. Further to this there has been no direction either by the Government or Hon'ble Court in this regard (Annexure - 2).

As against the same, the Maximum Permissible Annual Production (MPAP) being utilised/operated by 22 operational mines of A & B category in the district of Ballari is 19.739 MMT. Three A & B category mines which have been auctioned recently (upon expiry of lease on 31.03.2020) have a production capacity of 1.412 MMT. Further, 34 category A & B mines (with approved R & R plan) with approximate production capacity of 14.680 MMT are expected to go for auctioning. The Reclamation & Rehabilitation plans for another 14 A & B mines whose expected production capacity could be around 7.56 MMT are yet to be approved.

The Maximum Permissible Annual Production (MPAP) prescribed for the Seven (7 Nos) working/functional C-Category mines in Ballari is 4.473 MMT. The Five (5 Nos) C-Category mines which have been auctioned recently by the Monitoring Committee have a total designated production capacity of 1.698 MMT. Further, another fourteen (14 Nos) C-Category mines from the district with total approximate production capacity of around 7.56 MMT are expected to be proposed for e-auctioning. When operational, the Maximum Permissible Annual Production (MPAP) from all C-category mines alone would add up to round 13.731 MMT.

Further, in one of its previous communications with the Government (vide Letter from O/o the PCCF (HoFF) Dt. 17.03.2016 (**Annexure - 1**)), the Department has mentioned that the annual production from all the mines in the State (mines with regard to which both the CEC and Hon'ble Supreme Court have deliberated from time to time) might reach around 62.5 MMT. It is inferred quantity would be far higher than the Maximum Permissible Annual Production (MPAP) ceiling set by the Hon'ble Supreme Court for the State.

3. A detailed proposal was submitted by the office of the undersigned vide Letter No. M1/MNG/KOICL/Byl/CR-/2017-18 Dt. 10.10.2019 where in quoting various reasons, it was specifically recommended "not to accept the proposal". Elucidating various technical aspects observed during the field inspection including implications of felling around 99, 330 trees, similar opinion was given in the "Site Inspection Report" which is part of the said report. Subsequently, the Department sent a report to the Govt. of Karnataka with a "request to not to consider the proposal for seeking 'in-principal' (Stage-I) approval under Forest (Conservation) Act, 1980" (**Annexure - 3, 3A & 3B**).
4. The issue has been discussed over a meeting presided over by the Additional Chief Secretary, Forest, Ecology and Environment on 14.02.2020 (File No. FEE/5/FFM/2020-FEE_SEC_FOREST DEPARTMENT SEC), where the Managing Director, KIOCL had requested the authorities to exercise the option of allotting worked mines (old mining areas) whose lease has either expired or is to expire in near future, if the proposed area can't be allotted for the User Agency (**Annexure - 4**).
5. Various facts mentioned in the detailed proposal submitted by this office vide Letter No. M1/MNG/KOICL/Byl/CR-/2017-18 Dt. 10.10.2019 (**Annexure - 3**) were summarily verified during the visit to the proposed site on 30.07.2020. The proposed land for diversion (484.0733 ha) situated in Section-4 notified area of Swamymalai Forest Block in Sandur Taluk Ballari District is thickly covered by vegetation which is characteristic to Dry Deciduous Forests and is an ideal habitat for an array of wild flora and fauna. Though not part of any protected area, the vast expanse of forest form very important watershed for various streams which emanate towards south-western direction.
6. Taking note of the communications, deliberations and decisions mentioned above and based on observations made during the short visit to the proposed site, it is opined that the request for "supporting early clearance of the proposed mining project" is untenable.

As regard to the development of forest corridor for easy movement of animals in the State to increase afforestation and animal population as proposed by the User Agency and further commitment of funds to develop the forest area in Sandur Region, the matter being a policy issue having state-wide implications, it is requested that an appropriate decision be made by the Government/Department and communicated to the undersigned so that the same can be followed/implemented.

This is for your kind information and needful action.

Yours Faithfully,

Sd/-

Deputy Conservator of Forests
Ballari Division, Ballari

Copy submitted to the Principal Chief Conservator of Forests (Forest Conservation), Bangalore for kind information

Deputy Conservator of Forests
Ballari Division, Ballari