

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

Office of the
Principal Chief Conservator of
Forests
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18 ನೇ ಅಡ್ಡ ರಸ್ತೆ
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003

Aranya Bhavan, 18th Cross
Malleshwaram, Bengaluru-560 003
Telephone : 080 2334 6472
Email : apceffc@gmail.com

E-office File No. KFD/HOFF/A5-1(MNG)/16/2018-FC

E-62958

Date 17-10-2020

To,

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

Sir,

Sub: Diversion of 28.299 ha of forest land (26.699 ha for mining and 1.60 ha for approach road) for mining purpose in favour of the Successful Bidder, i.e., M/s MSPL Ltd, Hosapete, Ballari District (erstwhile 'C' Category mine, ML No. 2559 of M/s Karthikeyas Manganese & Iron Ore Pvt Ltd) in Subbarayanahalli Village, Sandur Range, Ballari District

Proposal No. FP/KA/MIN/31348/2018 [FORM-A]

- Ref:**
1. Government of India, Ministry of Environment, Forests & Climate Change (Division of ROHQ), New Delhi letter F.No.14-1/2020-ROHQ dated 21-01-2020 [addressed to the MoEF&CC, Regional Office (Sothern Zone), Bengaluru & marking copy to this office] and reminders dated 11-03-2020, 29-04-2020, 15-06-2020, 19-08-2020
 2. Government of India, Ministry of Environment, Forests & Climate Change, Regional Office (Sothern Zone), Bengaluru letter F.No. 4-KRC1203/2019-BAN dated 27-01-2020 [seeking additional information as sought by GOI (ROHQ)] and reminder letter dated 12-03-2020, 06-05-2020, 18-06-2020 & 03-09-2020
 3. Government of Karnataka letter No. FEE 25 FFM 2019 dated 12-03-2020 [communication of GOI letter] and reminders dated 27-05-2020 and 22-07-2020
 4. This office letter of even number dated 10-02-2020 [seeking information/documents from User Agency and field officers]
 5. M/s MSPL Limited letter dated 22-05-2020, 10-07-2020, 30-07-2020 addressed to the Deputy Conservator of Forests, Ballari Division [submission of information]
 6. Deputy Conservator of Forests, Ballari Division letter No M1/MNG/MSPL/2559/2018-19/1043 dated 27-08-2020 [reply to Government of India query dated 21-01-2020]
 7. Chief Conservator of Forests, Ballari Circle letter No M1/MNG/TRF/ML No 2559/CR-11/2018-19 dated 04-09-2020 [reply

to Government of India query dated 21-01-2020]

The Government of India, Ministry of Environment, Forests & Climate Change (Division of ROHQ), New Delhi vide Ref (1) letter dated 21-01-2020 and subsequent reminders has sought certain information for further consideration of the abovementioned proposal.

In turn, the Government of India, Ministry of Environment, Forests & Climate Change, Regional Office (Southern Zone), Koramangala, Bengaluru vide letter dated 27-01-2020 Ref (2) has requested to submit the information sought by Central Office (Division of ROHQ), New Delhi and have further reminded vide letter dated 12-03-2020, 06-05-2020, 18-06-2020 and 03-09-2020.

Based on the said query, the Government of Karnataka vide Ref (3) letters and reminders have referred the matter to this office for necessary action.

Accordingly, this office vide Ref (4) has directed the field officers and User Agency to submit the information sought by Government of India.

In response, the User Agency vide Ref (5) has submitted some information to the Deputy Conservator of Forests, Ballari Division who vide Ref (6) has submitted the same along with other required information to the Chief Conservator of Forests, Ballari Circle who has in turn vide Ref (7) has submitted the same to this office. Based on the above reports from field officers, the reply to the query raised by Government of India, Ministry of Environment, Forests & Climate Change (Division of ROHQ), New Delhi, is submitted as follows.

Sl. No.	Information sought by Government of India	Reply of Karnataka Forest Department
(i)	CCF, Ballari in his letter dated 14-03-2019 has reported several Schedule-I species viz. Pangolin, bear, Leopard, Peafowl, Wolf, Monitor lizard, etc., in and around the forest land proposed for non-forestry use. However, comments of Chief Wildlife Warden on the possible impact of the mining on the fauna and mitigating measures, if any required to be taken have not been submitted along with the proposal.	The User Agency has prepared the Wildlife Management Plan [ANNEXURE-1] for Swami malai Iron Ore mine. The same has been submitted by the Deputy Conservator of Forests, Ballari Division vide letter No.M1/MNG/MSPL/2559/2018-19 dated 27-08-2020 to the Chief Conservator of Forests, Ballari Circle who in turn has submitted the same vide letter No.M1/MNG/TRF/ML No.2559/CR-11/2018-19 dated 04-09-2020 to the Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Karnataka for approval. In response, the Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Karnataka, vide letter No. PCCF/WL/D/CR-38/2020-21 dated 21-09-2020 has directed to include the following additional points in the

		<p>in the said Plan and to submit a revised Plan.</p> <ol style="list-style-type: none"> 1. The mitigation plan has recurring as well as non-recurring works to be taken up. The Deputy Conservator of Forests, Ballari Division, Ballari to specify the entire amount for mitigation plan period so that entire amount may be provided in the beginning and there is no problem of future funding for mitigation. 2. In the Budget estimation, under the habitat improvement, components of exotic invasive weeds management and seed ball sowing with local species shall be added and allotment of Rs. 50.00 lakh shall be made, instead of Rs. 25.00 lakh. 3. To monitor the movements and behavior of wild animals, number of camera traps shall be made 20 pairs (with allotment of Rs. 9.00 lakh) instead of 5 pairs (with present allotment Rs. 2.20 lakh). 4. Broken up area need to be fenced suitably as per the suggestions of jurisdictional Deputy Conservator of Forests to avoid accidents/injuries to wild animals due to mining. <p>The approved Plan will be submitted in due course. However, the above comments of the Chief Wildlife Warden on the Wildlife Management Plan prepared by the User Agency in consultation with the field officers are submitted for taking further decision on the Stage-I approval.</p>
(ii)	As per the lease sketch, prepared on the basis of joint verification of Forest, Revenue and Mining Department of the State, the area of the lease is 26.699 while the Mining Plan has been approved for 26.71 ha. Therefore, discrepancy in the lease area (forest area)	<p>The extent of lease as per the CEC digitization sketch is 26.71 hectare. The User Agency has agreed to reduce area to an extent of 0.011 hectare, as there is an overlap with the adjacent mining lease of M/s Karnataka State Minerals Corporation Limited (erstwhile Mysore Minerals Limited) Subbarayanahalli Iron Ore Mine, ML No. 2629. The actual area thus available for mining lease is 26.699 hectare. The User Agency has submitted an</p>

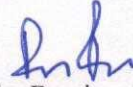
	and area approved in the Mining Plan needs to be rectified by the State Government.	Undertaking [ANNEXURE-2]. in this regard.												
(iii)	All parameters, as stipulated in the guidelines dated 1.08.2017, incorporated at Annexure-III of the Handbook of the Forest (Conservation) Act, 1980 have not been accounted for while estimating the benefits and loss of the project. Revised Cost-Benefit Analysis needs to be submitted by accounting for all the parameters stipulated in the guidelines.	The User Agency has submitted a revised cost benefit analysis [ANNEXURE-3].												
(iv)	As the extent mine is a C-category mine wherein violation of the Forest (Conservation) Act, 1980 have been committed by carrying out mining without obtaining prior approval of the Central Government. Detail of penalties levied on the erstwhile User Agency and penal payments made, if any, on account of violation of the Forest (Conservation) Act, 1980 has not been mentioned in the proposal.	<p>As per the directions of the Hon'ble Supreme Court of India in WP No. 562/2009, the Central Empowered Committee conducted a Joint Survey of the M/s Karthikeyas Manganese & Iron Ore Pvt Ltd. (ML No.2559) and confirmed the following encroachments.</p> <table border="1"> <tr> <td>1)</td><td>Mining Pit</td><td>-</td></tr> <tr> <td>2)</td><td>OB Dumps</td><td>0.87 ha</td></tr> <tr> <td>3)</td><td>Other encroachments</td><td>23.48 ha</td></tr> <tr> <td colspan="2">Total</td><td>24.35 ha</td></tr> </table> <p>A Forest Offence Case (FOC) No. 13/2012-13 dated 03-10-2012 has been registered against M/s. Karthikeyas Manganese & Iron Ore Pvt Ltd. (ML No.2559 for the said violations. The charge sheet in this case is yet to be filed. The Deputy Conservator of Forests, Ballari Division vide letter No. A6/FOC/SS/2019-20 dated 02-03-2020 has instructed the Range Forest officer, Sandur South Range, Sandur to file the charge sheet at JMFC, Sandur. No penalties on account of the violation have been levied on the previous lessee of this C-category mine.</p>	1)	Mining Pit	-	2)	OB Dumps	0.87 ha	3)	Other encroachments	23.48 ha	Total		24.35 ha
1)	Mining Pit	-												
2)	OB Dumps	0.87 ha												
3)	Other encroachments	23.48 ha												
Total		24.35 ha												

Further, the Site Suitability Certificate of the proposed CA land and a detailed CA scheme as sought by Government of India, Ministry of Environment, Forests & Climate Change, Regional Office (Southern Zone), Bengaluru vide letter dated 08-08-2019 submitted by the Deputy Conservator of Forests, Belagavi Division are also enclosed herewith.

It is therefore requested to submit the above information to Government of India, Ministry of Environment, Forests & Climate Change, Regional Office (Southern Zone), Bengaluru for taking further action.

The copies of the relevant documents are submitted herewith for further needful. The present status (Timeline) of the proposal obtained from the FC web-portal is also appended for reference.

Yours Faithfully



(Rajiv Ranjan IFS)

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

Copy to the:

1. Chief Conservator of Forests, Ballari Circle, Ballari for information **and immediate action to submit the action taken report against the Range Forest Officer, Sandur who had issued NOC that the land is not a forest land on 26-09-2007 as sought by Government of India vide letter dated 08-08-2009 which was communicated vide this office letter dated 07-09-2019 and 10-02-2020 again without further delay. You are also directed to submit the Wildlife Management Plan duly approved by the Chief Wildlife Warden in three (3) sets to this office.**
2. Deputy Conservator of Forests, Ballari Division, Ballari for information and necessary action as stated above. **You are also directed to submit the Wildlife Management Plan duly approved by the Chief Wildlife Warden in three (3) sets to this office.**
3. M/s MSPL Limited, Baldota Enclave, Abheraj Baldota Road, Hosapete, Ballari – 583 203 for information.