

GOVERNMENT OF ANDHRA PRADESH
ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (Section-II) DEPARTMENT

Letter No.623/Section-II/2020/1113681

Dated 05.12.2023

From
The Special Chief Secretary to Government,
EFS & T Department,
A.P. Secretariat, Velagapudi,
Amaravati-522503.

To
The Assistant Inspector General of Forests (Central),
Government of India, Ministry of Environment, Forests & Climate Change,
Sub-office of the Regional Office,
Green House Complex,
Gopal Reddy Road, Vijayawada-520010 (w.e)

Sir,

Sub: Diversion of 1.27 ha. of forest land in Nellore, Venkatagiri, Udayagiri, Kavali and Atmakur ranges of Nellore Division for laying Optical Fiber Cable along the road within Right of Way (RoW) in favor of M/s. Reliance JIO Infocomm Ltd., Visakhapatnam for providing 4G communication in the State of Andhra Pradesh - Forest Clearance under Forest (Conservation) Act, 1980 – Reg.

Ref: 1)From the PCCF(HoFF), A.P., Lr.Ref.No.EFS02-15026/5/2019/FCA-SEC/PCCF/FCA-1, dt.10.02.2020.
2)Govt.Memo.No.623/Sec.II/2020/1113681, E.F.S. & T. (Sec.II) Dept., dated 22.06.2020.
3)From the PCCF & HoFF, Lr.Ref.No.EFS02-15026/5/2019/FCA-SEC/PCCF/FCA-3, dated 21.08.2023.

I am to inform that the Principal Chief Conservator of Forests & Head of Forest Force, A.P., in the reference 1st cited, has furnished statutory proforma proposal and online application No.FP/AP/OFC/38865/2019, seeking prior approval of the Central Government for diversion of forest land in accordance with section-2 of Forest (Conservation) Act, 1980 for the above-mentioned project.

2. In this regard, the PCCF & HoFF has stated that the Authorized Signatory, M/s. Reliance Jio Infocomm Ltd., Visakhapatnam vide letter dated 11.02.2019 has submitted proposal online for diversion of 1.27 ha. of forest land falling in Nellore Division for laying Optical Fiber Cable along the road within Right of Way (RoW) for providing 4G Communication in the State of Andhra Pradesh as per the license granted by the Government of India. The proposal was sent to the Divisional Forest Officer, Nellore and Conservator of Forests, Guntur for processing the proposal as per the guidelines envisaged under Forest (Conservation) Act, 1980 and amendments thereon. Accordingly, the Conservator of Forests, Guntur has submitted the proposal for diversion of 1.27 ha. of forest land in favor of M/s. Reliance Jio Infocomm Ltd., Visakhapatnam. The details of the proposal are as follows:-

i) The user agency has furnished the following information in Part-I:

- The proposal is for laying Optical Fiber Cable along the road within the existing Right of Way passing through forests in Nellore Division for providing 4G Communication in the State of Andhra Pradesh as per the license granted by Government of India.

[Contd..P2]

- Forest land required for the project is 1.27 ha.
- Non-forest land required for the project is 7.437 ha.
- For locating this project on forest land, the User Agency has justified that the Optical Fiber Cable is generally laid along the admitted RoW of State/National Highway roads. Such road side area is declared as the Protected Forest under the Indian Forest Act. The area requested for laying of the Optical Fiber Cable is the barest minimum considering the requirements and also considering the safety of the cables so laid. Since the telecommunication cables also carry the communication from the Government offices, Defense & Strategic establishments and from different industrial organizations apart from the general public, for the safety and confidentiality of the conversation so made it is not advisable to lay such important cables on the private land belonging to different parties. The cable alignment will be suitably diverted to avoid any cutting of trees and laid within the road land boundary by excavating a narrow trench of 50 to 100 cms. Width (approx.). The same strip of trench will be reinstated to its original condition and also no structure will be erected on the cable route.
- The User Agency has stated that, this Optical Fiber Cable system will fulfill the needs of Telecommunication circuits and Wireless Broadband Services and other Data for the Government, Industries, Defense and Society. This telecom Infrastructure shall lead to growth in economy and hence more employment and better living conditions of the geography/state/Country.
- This new scheme of laying Optical Fiber Cable is most modern and state of art Technology in the field of Digital Telecommunication. Moreover the same cable will provide most of new value added services as well as it will cater for the needs of Integrated Services Digital Network.
- The cost of the project is Rs.1457.00 Lakh approximately.
- The User agency has stated that the employment (temporary) likely to be generated is 1,12,103 man days approx.
- Purpose-wise break-up of the total land required is an extent of 1.27 ha. (i.e., 32703 m. length x 0.388 m. (approximate) Width)
- The User Agency has certified that the forest land proposed for diversion is the barest minimum area and unavoidable.
- The User agency has submitted undertakings to bear the cost of raising and maintenance of compensatory afforestation in any of the degraded forest land if any as per the scheme prepared by Forest Department and to pay NPV, Additional NPV, tree extraction charges and escalation charges, if any, as per the orders of the GoI/State Government/Hon'ble Supreme Court of India.
- Regarding the certificate under RoFR Act-2006, the user agency has stated that, as per the GoI Lr.No.F.P.No.11-9/98-FC (pt) dated 5.2.2013, proposals seeking prior approval of the Central Government under FC Act, 1980 for projects like construction of roads, canals, laying of pipe lines / Optical fiber and transmission lines etc., where linear diversion of use of forest land in several villages are involved, unless recognized rights of PTG/PAC are being affected, are exempted from the requirement of obtaining consent of the Gram Sabha(s) as stipulated in clause read with clause (b), (e) and (f) in second para of the Ministry's said letter dated 03.08.2009. Further, the user agency has certified that their proposal for laying underground OFC does not involve recognized rights of Primitive Tribal Groups/Pre-Agricultural communities (PTG/PAC) and also given an undertaking that the consent of Grama Sabha will be submitted, if it is found otherwise, at any point of time. The user agency has submitted authenticated DGPS surveyed maps for the area proposed for diversion.

ii) The Divisional Forest Officer, Nellore has furnished the information in Part-II as follows:

- This proposal is for diversion of 1.27 ha. of forest land in Nellore Division in favour of M/s. Reliance Jio Infocomm Ltd., Visakhapatnam for laying Optical Fiber Cable (OFC) along the road within the existing Right of Way for providing 4G communication in the State of Andhra Pradesh as per the license granted by the Government of India.
- Density of vegetation is less than 0.10 along the proposed OFC path.
- No tree felling is required along the proposed OFC path.
- The area proposed for OFC path is not vulnerable to erosion.
- The OFC path is proposed along the existing road.
- The area proposed is unavoidable and the barest minimum for the project.
- There are no endangered / unique species of flora and fauna found in the area proposed for diversion.
- There are no protected archaeological/heritage site/defense establishment or any other important monument in the area proposed for diversion.
- The proposed area for diversion is not form part of National Park, Wildlife Sanctuary, Biosphere reserve, tiger and Elephant Corridor etc.
- There is no violation to the provisions under Forest (Conservation) Act, 1980 within the proposed forest area.

3. The PCCF & HoFF, has stated that the Divisional Forest Officer, Nellore has inspected the proposed area for laying Optical Fiber Cable (OFC) along the existing right of way passing through the Reserve forests of Nellore Division along with concerned staff on 25.12.2019 & 28.12.2019. The Divisional Forest Officer, Nellore has recommended the proposal in Part-II.

4. The PCCF & HoFF, has further stated that the Conservator of Forests, Guntur has not inspected the proposed area since the area proposed for diversion of laying Optical Fiber cable is below 40 ha., but agreed with the information provided by the Divisional Forest Officer, Nellore in Part-II and also recommended the proposal in Part-III. The Nodal Officer (FCA), O/o the PCCF & HoFF, A.P., has also recommended the proposal in Part-IV for diversion of the forest land for stipulated purpose.

5. In this regard, the PCCF & HoFF has been requested to furnish the Recognition of Forest Rights (RoFR) Certificate issued by the concerned District Collector for further processing of the proposal vide in reference 2nd cited.

6. In the reference 3rd cited, the PCCF & HoFF, has stated the user agency has furnished an undertaking to submit RoFR certificate before Stage-II approval. As per Forest (Conservation) Rules, 2022, Central Government can give its final approval and will, thereafter, leave it to the State Government to pass an order for de-reservation or diversion or assignment after ensuring settlement of rights under FRA and fulfillment compliance under other laws. This means, it is not necessary for the Collector to oversee the process of Recognition and vesting individual claims of forest rights before the grant of in-principle approval by the Central Government.

7. The PCCF & HoFF has further stated that the District Forest Officer, Tirupathi in letter No. 360/2023/TO, dated: 22.06.2023 (copy attached) has stated that, the user agency has carried out the work under presumption that the road is excluded from the Pudur RF as it was excluded in Yellasiri RF by obtaining permission from the concerned R&B authorities. After noticing the work in Pudur RF, the concerned Forest

Range Officer has booked the case vide UDOR 32/2019-20, dated:27.03.2020 U/s 20(i), C(i)(iii) and (vi) of A.P. Forest Act, 1967. OFC cable was laid to a length of 2006 meters in a trench 0.5 m. depth and 0.5 m width which works out the quantity of 501.5 cu. earth work excavation was done and as per offense FSR, it's value was arrived at Rs. 2,64,290/-. Further, the work has been stopped since then and no further work has been carried out by the User agency after submitting proposals for diversion. Action will be taken against the concerned user agency as per the AP Forest Act, 1967. Therefore, no violation was done by the user agency after submitting the proposals for diversion U/s - 2 of Forest (Conservation) Act, 1980.

8. As per para 2.5 (i) (b) of Chapter-2 of Comprehensive guidelines issued by the Government of India, MoEF & CC, New Delhi in letter F.No.5-2/2017-FC, dated 28.03.2019, degraded forest land for Compensatory Afforestation has been identified to an extent of 2.54 ha in compartment No.174, Yellasiri RF of Chillamuru beat, Naidupet Section, Naidupet Range, Tirupathi Division which is double the extent of RF proposed for diversion (1.27 ha.).

9. Further, as per para 2.8 (ii) of Chapter-2 of Comprehensive guidelines issued by the Government of India, MoEF & CC, New Delhi in F.No.5-2/2017-FC, dated 28.03.2019, the District Forest Officer, Tirupathi has prepared CA scheme to an extent of 2.54 ha for raising Compensatory Afforestation with a financial outlay of Rs.25.47 lakh for a period of 12 years including Advance operations, Maintenance of Nurseries and Raising of Plantations commencement from 2024-25 to 2035-36. CA map, CA scheme, kml file and Suitability certificate of the land for raising CA, have been uploaded in the parivesh portal.

10. I enclose herewith the statutory proforma proposal of the PCCF & HoFF, A.P., together with its enclosures duly recommending in Part-V with a request to place the proposal before the REC, GoI, MoEF&CC, RO, Chennai for its consideration and approval under section-2 of Forest (Conservation) Act, 1980, for diversion of 1.27 ha. of forest land in Nellore, Venkatagiri, Udayagiri, Kavali and Atmakur ranges of Nellore Division for laying Optical Fiber Cable along the road within Right of Way (RoW) in favor of M/s. Reliance JIO Infocomm Ltd., Visakhapatnam for providing 4G communication in the State of Andhra Pradesh.

Yours faithfully,


for Special Chief Secretary to Government



Copy to:

The Principal Chief Conservator of Forests & Head of Forest Force,
Andhra Pradesh, Mangalagiri....for information.

M/s Jio Digital Fiber Private Ltd., 6th Floor, Vijayagar Trade Centre,
VIP Road, Visakhapatnam-530003.....for information.


SF/SC.

PART-V

Proposal for diversion of 1.27 ha. of forest land in Nellore, Venkatagiri, Udayagiri, Kavali and Atmakur ranges of Nellore Division for laying Optical Fiber Cable along the road within Right of Way (RoW) in favor of M/s. Reliance JIO Infocomm Ltd., Visakhapatnam for providing 4G communication in the State of Andhra Pradesh.

18.	Recommendation of the State Government	Recommended
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Signature


Dr. P.V. CHALAPATHI RAO, I.F.S.,
Special Secretary to Government
Forest, Environment, Science
and Technology Department
A.P. Secretariat, Velagapudi - 522238.

Name & Designation

Official Seal

Date: _____

Place: _____