

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

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



ಅರಣ್ಯಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ

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E-office File No.KFD/HOFF/A5-2(GFL)/20/2021-FC

E-483172

Date 30-03-2022

01-04-22

To

The Additional Chief Secretary to Government
Forest, Environment and Ecology Department
M.S. Building, Bengaluru - 560 001

Sir

Sub: Diversion of 0.36 ha (*revised from 0.633 ha*) of forest land in Ajekaru, Mudradi, Yirgana and Hebri villages in Udupi and Shivamogga District for laying Jio digital optical fiber cable from Karakala to Agumbe in favour of Jio digital Fiber private limited, Bengaluru.

Proposal No FP/KA/OFC/149527/2021 [FORM A]

- Ref:**
1. Online proposal [FORM-A PART-I] dated 23-11-2021 (submitted) of M/s Jio Digital Fiber Private Limited, Bengaluru r/w Acknowledgement uploaded online on 31-12-2021 by User Agency for having delivered the hard copy proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner.
 2. This office online communication dated 04-01-2022 to Deputy Conservator of Forests (s), Kundapura, Kudremukh & Shivamogga Division for further processing of proposal.
 3. Online submission of PART-II on 27-01-2022 by the Deputy Conservator of Forests, Kudremukh Division.
 4. Online submission of PART-II on 03-02-2022 by the Deputy Conservator of Forests, Shivamogga Division.
 5. Online submission of PART-II on 12-02-2022 by the Deputy Conservator of Forests, Kundapur Division.
 6. Online submission of PART-III by the Chief Conservator of Forests, Mangalore Circle to Nodal Officer on 07-03-2022 [letter No letter No.A3/ CR- 19/JDFC Karkala-Shringeri (FC)/2021-22 dated 07-03-2022]
 7. Online submission of PART-III by the Chief Conservator of Forests, Shivamogga Circle to Nodal Officer on 07-03-2022 [letter No letter No.A11/FC /Jio/7814/21-22 dated 03-03-2021]

1. Jio Digital Fiber Private Limited, No.51, RMZ Icon, Palace Cross Road, Vasanth Nagar, Bangalore, [USER AGENCY] vide Ref (1) has submitted an online proposal

[FORM-A PART-I] through FC web portal seeking approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.36 ha (*revised from 0.633 ha*) of forest land in Ajekaru, Mudradi, Yirgana and Hebri villages in Udupi and shivamogga District for laying Jio digital optical fiber cable from Karakala to Agumbe. After uploading of Acknowledgement on 31-12-2021 by User Agency for having delivered the hard copies of the proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner, an online communication was made by the Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests (s) Kundapur, Kudremukh & Shimoga Divisions to process the proposal and to submit specific opinion / recommendation.

2. **Location details and Component-wise breakup of forest land requirement:** The details of the location of forest land and component wise requirement are given below.

District, Taluk, Hobli	Villages	Sy.No.	Project component	Forest extent proposed for diversion (ha)	Legal status of land
Udupi District, Karkala & Hebri Taluk, Ajekaru Hobli	Yirgana	303	Optical Fibre Cable	0.36	Reserved Forest
	Ajekaru	138			
	Mudradi	70,77, 197			
	Hebri	181,180, 179,182, 177			
	Nadusala	123,122, 34,58,12 6,100,14 9,118, 142/1			
			Total	0.36	

3. **Report of DCF, Kudremukh Division:** The Deputy Conservator of Forests, Kudremukh Division has inspected the site on 17-01-2022 and vide Ref (3) has submitted his report along with Site Inspection Report in PART-II to Chief Conservator of Forests, Mangalore Circle, Mangalore. Main features of the proposal based on the reports of the Deputy Conservator of Forests, Kudremukh Division r/w report of Chief Conservator of Forests, Mangalore Circle and that of ICT Centre of Forest Department are summarized below.

- The forest area proposed for diversion is not vulnerable to soil erosion.
- The forest land proposed for diversion is in general landscape of Eco-class-I(Consisting of Moist Deciduous Forest) with a Canopy Density of up to 0.1% (Open Forest).
- As per Item 4(ii) of PART-II of the proposal, there are no trees on the forest land proposed for diversion.

- d. Main wild animals reported in and around the project area are Lion tailed Macaque, Malabar giant squirrel, common langur, gaur, porcupine, Sambar, Spotted deer, Barking Deer, Jackal, Giant Flying Squirrel, Mongoose etc. Various birds and Medicinal Plants, are present in and around the forest land proposed for diversion area.
 - e. There are rare / endangered / unique species of flora and fauna reported in and around the forest land proposed for diversion.
 - f. The forest land proposed for diversion is there form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc.
 - g. The forest land proposed for diversion is located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
 - h. There are National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc., within one kilometre of the forest land proposed for diversion.
 - i. There are no Protected/ Archaeological/ Heritage sites or Defence establishments or important monuments in the area.
 - j. There is no violation reported under the Forest (Conservation) Act, 1980.
 - k. The requirement of forest land for the project is the bare minimum and unavoidable.
4. **Report of DCF, Shivamogga Division:** The Deputy Conservator of Forests, Shivamogga Division, vide Ref (3) reported that the site has been inspected on 05-02-2022. The proposed area falls within the limit of Someshwara Wildlife Sanctuary, Kudremukh Wildlife Division, Karkala. As per their report, no forest land comes in between jurisdiction of Shivamogga Division.
 5. **Report of DCF, Kundapur Division:** The Deputy Conservator of Forests, Kundapur Division, vide Ref (3) reported that the site has been inspected on 18-01-2022. The proposed area falls under the Non-forest area in Kukkundoor, Hirgana, Marne, Varanga village of Karkala Taluk and Mudradi, Hebri and Nadpaluvillage of Hebri Taluk. As per their report, no forest land comes in between jurisdiction of Kundapura Division.
 6. **CCF, Mangalore Circle Report:** The Chief Conservator of Forests, Mangalore Circle has inspected site on 21-02-2022 and agreed the report of DCF Kundapur and Kudremukh divisions. The Chief Conservator of Forests, Mangalore Circle has also recommended the proposal while submitting the report in PART-III vide Ref (6).
 7. **CCF, Shivamogga Circle Report:** The Chief Conservator of Forests, Shivamogga Circle has inspected the site on 04-03-2022 and agreed the report of DCF Shivamogga division. As per their report, the proposed area pertaining to

Shivamogga Circle is non-forest area which does not involve cutting of trees. The Chief Conservator of Forests, Shivamogga Circle has also recommended the proposal while submitting the report in PART-III vide Ref (7).

8. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land proposed for diversion as per Para 3.1 to 3.4 of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-3/2011-FC (Vol-I) dated 06-01-2022 and 19-01-2022. **The User Agency has submitted an Undertaking agreeing to pay the Net Present Value (NPV) of the forest land proposed for diversion.**
9. **Compensatory Afforestation (CA):** Present proposal involves diversion of within one hectare of forest land. The latest FC Guidelines are silent on the requirement of equivalent extent of non-forest land for the FC proposals involving diversion of forest land up to one hectare. However, Para 3.2(viii) of the immediately previous FC Guidelines exempted such proposals from requirement of raising CA. Therefore, the present FC proposal may also be exempted from the requirement of raising CA. However, Para 2.6(i) of the latest FC guidelines mentioned above mandates that the cost of plantation (including ten years maintenance) of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum number of 100 plants) shall be levied from the User Agency towards Compensatory planting. **The User Agency is required to pay the Compensatory Planting charges in accordance with the PCCF (HoFF) O.M. KFD/HOFF/A5-3(GFL)/34/2019-FC [E-88289] dated 19-04-2021. The User Agency has agreed to pay the Compensatory Planting charges and has submitted an Undertaking in this regard.**
10. **Status of RoFR compliance:** In order to meet the requirement of the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules 2008 and the FC Guidelines, the User Agency has not obtained/ furnished the (copy of) requisite **RoFR Certificate in FORM-I (for Linear projects)** issued by the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. Accordingly, **the User Agency is being informed once again to obtain the said certificate in prescribed format and submit a copy.**
11. **Wildlife Clearance:** As the proposal involves diversion of forest land inside a protected area of Old Someshwara Wildlife Sanctuary and its Eco sensitive zone (ESZ). The User Agency will have to obtain the wildlife clearance for the proposal from the National Board for Wildlife. **The User Agency is being informed to**

obtain wildlife clearance for the project from National Board for Wildlife (NBWL).

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to move the proposal with the Government of India, Ministry of Environment, Forests and Climate Change for according 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.36 ha (*revised from 0.633 ha*) of forest land in Ajekaru, Mudradi, Yirgana and Hebri villages in Udupi and shivamogga District for laying Jio digital optical fiber cable from Karakala to Agumbe in favour of Jio digital Fiber private limited, Bengaluru for a period of twenty (20) years, subject to submission of RoFR Compliance Certificate in FORM-I (for Linear projects) and the conditions listed in Annexure 'A'.

The hard copy of the proposal along with the relevant documents in 3 sets is submitted herewith for further needful. The present status of the proposal obtained from the web-portal is also appended for necessary action.

Yours Faithfully

(Sanjai Mohan IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)

1. Copy to the Chief Conservator of Forests, Mangalore and Shivamogga Circles for information.
2. Copy to the Deputy Conservator of Forests, Kundapur and Kudremukh and Shivamogga Divisions, for information.
3. Copy to M/s Jio Digital Fiber Private Limited, Bengaluru for information and with a request to obtain **RoFR Certificate in FORM-I (for Linear projects)** issued by the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019 (available on FC web portal) **and submit the authenticated / attested copies at the earliest**

ANNEXURE - A

1. The legal status of forest land shall remain unchanged and it shall continue to be forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), Compensatory, Plantation cost of extraction of trees, land lease rent and any other levies as per the conditions of approval.
3. The User Agency shall demarcate the lease area in the manner specified at the time of approval at its own cost.
4. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
5. The Lessee shall provide signages in appropriate dimensions and nature along the proposed Optical fibre cable within forest limits for sensitization of general public towards the forest, wildlife and environmental issues in consultation with the jurisdictional Deputy Conservator of Forests.
6. The leased out area should be used for the purpose for which it is granted. In case the land is not used for the stipulated purpose within two years or when it is no longer needed for the stipulated purpose, the area would stand resumed to the Forest Department.
7. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
8. The application for renewal of the lease in the prescribed form and manner shall be submitted at least six months prior to the expiry of forest lease. In case no renewal is sought, the Lessee shall hand over the lease.
9. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
10. No crushing / breaking of stones or labour camp shall be allowed on forest land and all waste / debris generated shall be scientifically disposed off outside the forest area.
11. Any damage to forest area because of implementation of the proposal shall be compensated by the Lessee. The extent of damage shall be assessed by the jurisdictional Deputy Conservator of Forests/ Conservator of Forests/ Chief Conservator of Forests.
12. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
13. In case, any violation of the provisions of the Karnataka Forest Act, 1963 & Rules, 1969 or other relevant Acts/Rules is reported during the lease period, the lease will be liable for forfeiture under Section 82 of Karnataka Forest Act, 1963. The Chief Conservator of Forests / Deputy Conservator of Forests concerned are authorized to take necessary action in this regard.
14. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
15. The User Agency shall also abide by other conditions those may be imposed by the Government of India, Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force) before or after the approval


(Sanjai Mohan IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

PART – IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

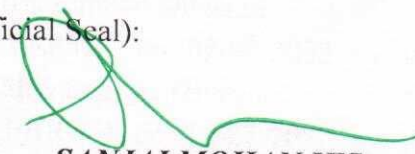
<p>Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.</p> <p><i>(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon.)</i></p>	<p>Recommended for moving the proposal with the Government of India, Ministry of Environment, Forests and Climate Change for according 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.36 ha (revised from 0.633 ha) of forest land in Ajekaru, Mudradi, Yirgana and Hebri villages in Udupi and shivamogga District for laying Jio digital optical fiber cable from Karakala to Agumbe in favour of Jio digital fibre private limited, Bengaluru for a period of twenty (20) years, subject to submission of RoFR Compliance Certificate in FORM-I (for Linear projects) and the conditions listed in Annexure 'A'.</p> <p>[Proposal No. FP/KA/OFC/149527/2021]</p>
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Signature:
Name:
Designation:


RAJIV RANJAN IFS
Principal Chief Conservator of Forests
(Forest Conservation) and
Nodal Officer (FCA)

(Official Seal):

Counter signed by :
Name:
Designation:


SANJAI MOHAN IFS
Principal Chief Conservator of Forests
(Head of Forest Force)

(Official Seal):

N.D.O. No: **64**/2021-22

Date: **31**-03-2022