

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)/24/2020-FC

E- 366919

Date 30-01-2023

To

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

Sir

Sub: Diversion of 1.329 ha of forest land in Medamakki, Nadusala, Hebri, Mudradi, Kabbinala, Varanga and others villages in Udupi and Chikkamagaluru District for laying Jio digital optical fiber cable in favour of Jio digital Fiber private limited, Bengaluru.

Proposal No. FP/KA/OFC/51672/2020 [FORM-A]

Ref: 1. Online proposal [FORM-A PART-I] dated 18-06-2022 (resubmitted) of M/s Jio Digital Fiber Private Limited, Bengaluru r/w Acknowledgement uploaded online on 08-07-2022 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 13-07-2022 to Deputy Conservator of Forests, Kudremukh Division, Karkala for further processing of proposal.
3. Online submission of PART-II on 05-08-2022 by the Deputy Conservator of Forests, Kudremukh Division, Karkala.
4. Online submission of PART-III by the Chief Conservator of Forests, Mangaluru Circle to Nodal Officer on 06-08-2022 [letter No letter No. A3/CR-07/JDFC Kervase-kalasa (FC)/2021-22 dated 10-08-2022] and 20-01-2023 [submission of CA land details to this office]

1. Jio Digital Fiber Private Limited, No.51, RMZ Icon, Palace Cross Road, Vasanth Nagar, Bengaluru, [USER AGENCY] vide Ref (1) has resubmitted 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 1.329 ha of forest land in Medamakki, Nadusala, Hebri, Mudradi, Kabbinala, Varanga and others villages in Udupi and Chikkamagaluru Districts for laying Jio digital optical fiber cable. After uploading of Acknowledgement on 08-07-2022 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, Kudremukh Division, Karkala 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.	Forest extent proposed for diversion (ha)	Project component	Legal status of land
Udupi District, Hebri, Bramhavar, Kundapura Taluk, Kundapura, Kota & Ajekaru Hobli	Medamakki	20, 28, 37	0.089	Optical Fiber Cable	Wildlife Sanctuary & National Park
	Nadusala	121	0.17		
	Hebri	181, 210	0.0119		
	Mudradi	198, 286	0.0196		
	Kabbinala	110, 6, 9, 18, 122, 39	0.1245		
	Varanga	23, 89, 176, 34, 101, 72	0.021		
Chikkamagaluru District, Sringeri, Taluk & Hobli	Keravase	175	0.001		
	Sheeralu	16, 33, 19, 20	0.223		
	Samshi		0.669		
Total			1.329 ha		

- 3. Report of DCF, Kudremukh Division, Karkala:** The Deputy Conservator of Forests, Kudremukh Division, Karkala has inspected the site on 30-07-2022 and vide Ref (3) has submitted his report along with Site Inspection Report in PART-II to Chief Conservator of Forests, Mangaluru Circle, Mangaluru. Main features of the proposal based on the reports of the Deputy Conservator of Forests, Kudremukh Division, Karkala r/w report of Chief Conservator of Forests, Mangaluru Circle and that of ICT Centre of Forest Department are summarized below.

- The forest area proposed for diversion receives an average annual rainfall of over 3500mm concentrated in the month of June to August. Heavy inflow rain water during monsoon season. Hence, the forest area proposed for diversion is vulnerable to soil erosion.
- The forest land proposed for diversion is in general landscape of Eco-class-I (Consisting of Evergreen Forest) with a Canopy Density of up to 1.0 % (Dense Forest).
- As per Item 4(ii) of PART-II of the proposal, there are no trees on the forest land proposed for diversion.

- d. As per site inspection report of Deputy Conservator of Forests, Kudremukh Division, Karkala dated 30-07-2022 uploaded in PART II. Major unique species of fauna found in and around the area include *Leopard*, *Malabar Civet Cat*, *Asian Elephant*, *Indian Pangolin*, *King Cobra*, *Malabar Torrent Tode*, *Beddomi's Tode*, *Coorg Night Frog*, *Tortoise* and others.
 - e. As per site inspection report of Deputy Conservator of Forests, Karwar division dated 02-04-2022 uploaded in PART II. Major flora found in and around the area include *Calophyllum Apetalum*, *Cinnamomum Sulphuratum*, *Diospyros Candolleana*, *Hopea Ponga*, and *Vanda Spathulata*.
 - f. The forest land proposed for diversion falls in Kudremukh National Park.
 - g. The forest land proposed for diversion is located within Eco-Sensitive Zone (ESZ) of Someshwara Wildlife Sanctuary notified under Wildlife (Protection) Act, 1972.
 - h. There are no Protected/ Archaeological/ Heritage sites or Defence establishments or important monuments in the area.
 - i. There is no violation reported under the Forest (Conservation) Act, 1980.
 - j. The requirement of forest land for the project is the bare minimum and unavoidable.
4. **CCF, Mangaluru Circle Report:** The Chief Conservator of Forests, Mangaluru Circle has inspected site on 05-08-2022 and agreed the report of Deputy Conservator of Forests, Kudremukh Division, Karkala. The Chief Conservator of Forests, Mangaluru Circle vide Ref (4) has submitted his report in PART-III and has also recommended the proposal.
 5. **Net Present Value (NPV):** The User Agency is required to pay the 10 + 5 times of Net Present Value (NPV) of forest land as the proposed area falls in Kudremukh National Park and Someshwara Wildlife Sanctuary 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.**
 6. **Compensatory Afforestation (CA):** In accordance with the provisions of para 2.5 (i)(a) 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, the Compensatory Afforestation can be raised and maintained at the cost of User Agency on degraded forest land twice in extent of the forest area proposed for diversion in the cases of laying of Optical fiber cable. Accordingly, the Deputy Conservator of Forests, Haliyal Division has identified an extent of 2.65 ha degraded forest land in Tatwanagi Village Sy No.98A (Tatwanagi Reserved Forest),

Murkwad Hobli, Haliyal Taluk, Uttarakannada District for raising CA and the Deputy Conservator of Forests, Haliyal Division has uploaded the KML file, Topo Map, Geo-reference Map along with GPS readings of all corners in PART-II of the proposal and also uploaded the CA Suitability Certificate dated 26-12-2022 in the prescribed format. **The User Agency has also submitted an Undertaking agreeing to pay the Compensatory afforestation charges.**

7. **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.**
8. **Wildlife Clearance:** As the proposal involves diversion of forest land inside a protected area of Someshwara Wildlife Sanctuary and Kudremukh National Park. The User Agency will have to obtain the wildlife clearance for the proposal from the National/State Board for Wildlife. **The User Agency is being informed to obtain wildlife clearance for the project from National/State Board for Wildlife.**

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to consider 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 1.329 ha of forest land in Medamakki, Nadusala, Hebri, Mudradi, Kabbinala, Varanga and others villages in Udupi and Chikkamagaluru District for laying Jio digital optical fiber cable 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


(Raj Kishore Singh IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)

1. Copy to the Chief Conservator of Forests, Mangaluru Circle, Mangaluru for information.
2. Copy to the Deputy Conservator of Forests, Kudremukh Division, Karkala 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 construction of OFC 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.


(Raj Kishore Singh IFS) 31/1/23
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>Requested to consider 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 1.329 ha of forest land in Medamakki, Nadusala, Hebri, Mudradi, Kabbinala, Varanga and others villages in Udupi and Chikkamagaluru District for laying Jio digital optical fiber cable 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'.</p> <p>[Proposal No. FP/KA/OFC/51672/2020]</p>
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Signature:



Name:

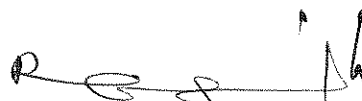
VIJAY SHARMA IFS

Designation:

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

(Official Seal):

Counter signed by :



Name:

RAJ KISHORE SINGH IFS

Designation:

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

31/1/23

(Official Seal):

N.D.O. No: /2022-23

Date: -01-2023