

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನಮುಖ್ಯಾಂಶರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯಪಡೆಮುಖ್ಯಸ್ಥರು) ರವರಕಛೇರಿ

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



ಅರಣ್ಯಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ

ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003

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E-office File No.KFD/HOFF/A5-4(GFL)/2/2021-FC

E-513961

Date 02-11-2022

To

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

Sir

Sub: Diversion of 0.84527 ha (*revised from 0.76253 ha*) of forest land in Karakanahalli Village and other 12 Villages of Chincholi Taluk, Kalburgi District and Chitaguppa Taluk of Bidar District for laying of Jio Optical Fiber Cable along the road from Chincholi-Chimmanchodi Village in Chincholi Taluk of Kalburgi District and Kalluru-Lingapura Village in Chitaguppa Taluk of Bidar District in favour of Deputy General Manager (DGM), Senior Executive Officer (SEO), Jio Digital Fiber Private Limited, Vasanth Nagara, Bengaluru-560 052

Proposal No: FP/KA/OFC/143839/2021 [Form-A]

- Ref:** 1. Online proposal [FORM-A PART-I] dated 10-06-2022 (resubmitted) of M/s Jio Digital Fiber Private Limited, Bengaluru r/w Acknowledgement uploaded online on 18-07-2022 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 18-07-2022 to Deputy Conservator (s) of Forests, Kalburgi and Bidar, Division for further processing of proposal.
3. Online submission of PART-II on 01-09-2022 by the Deputy Conservator of Forests, Kalburgi Division. [Letter No. Sy/FC/147172/2021/JioOFC/Compliance Report/2022-23 dated 03-09-2022]
4. Online submission of PART-II on 02-09-2022 by the Deputy Conservator of Forests, Bidar Division. [Letter No. KFD/BDRDOA5(SY)/58/2022-850260/719 dated 01-09-2022]
5. Online submission of PART-III by the Chief Conservator of

Forests, Kalburgi Circle to Nodal Officer on 07-09-2022[Letter No. A4/FC/FOREST LAND/N/Jio/OFC-11/2022-23/1426 dated 07-09-2022]

1. The Deputy General Manager (DGM), Senior Executive Officer (SEO), Jio Digital Fiber Private Limited, Vasanth Nagar, Bengaluru [USER AGENCY] vide Ref (1) has submitted an online proposal [FORM-A PART-I] through FC Web Portal seeking approval under Section 2(ii) of the Forest (Conservation) Act, 1980 for diversion of 0.84527 ha (*revised from 0.76253 ha*) of forest land in Karakanahalli Village and other 12 Villages of Chincholi Taluk, Kalburgi District and Chitaguppa Taluk of Bidar District for laying of Jio Optical Fiber Cable along the road from Chincholi-Chimmanchodi Village in Chincholi Taluk of Kalburgi District and Kalluru-Lingapura Village in Chitaguppa Taluk of Bidar District. After acceptance of the proposal by Nodal Officer (FCA) on 10-06-2022 for further processing, the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Bidar Division & Deputy Commissioner, Bidar District and to Deputy Conservator of Forests, Kalburgi Division and Deputy Commissioner, Kalburgi District and has uploaded the Acknowledgment on the web portal on 18-07-2022. Accordingly, an online communication was made by Nodal Officer vide Ref (2) to the Bidar and Kalburgi Division(s) for further processing of the proposal under Forest (Conservation) Act, 1980.
2. **Location details of forest land requirement for laying Optical fiber Cable:** The details of the location of forest land for laying Optical Fiber Cable requirement are given below.

| District, Taluk, Hobli | Villages | Sy No. | Forest extent proposed for diversion (ha) | Legal status of land |
|---|-------------------|---------------------------|--|--------------------------|
| Bidar District, Chittaguppa Taluk, Bhemalakheda Hobli | Changlera | 30, 31, 41, 45 and 121 | 0.15918 | *Section-4 |
| | Karpakapalli | 55, 56, 57 and 63 | 0.04615 | |
| | Saidapur | 58 | 0.00450 | |
| | Karakanahalli | 82 | 0.10051 | |
| Kalubrgi District, Chicholi Taluk, Chincholi Hobli | Thumkunta | 25 and 26 | 0.05402 | **Section-4 |
| | Kusarpalli | 21 and 50 | 0.05400 | |
| | Nagayidalayi | 53 | 0.01950 | |
| | Chindanura | 22, 34 and 36 | 0.06006 | ***Section-4 |
| | Chikkalingadhalli | 92 | 0.07502 | ****Reserve d Forest |
| | Yakathapur | 4 | 0.09601 | |
| | Shadipur | 123/1 and 124 | 0.03759 | *****Reserv ed Forest |

| | | | | |
|--------------|--------------|----------------------|----------------|--------------------------|
| | Lachamsagara | 49, 52, 70 and 71 | 0.04613 | *****Reser ved Forest |
| | Linganagara | 15, 28 and 36 | 0.09261 | |
| Total | | | 0.84527 | |

*Government of Karnataka Notification No. AFD-133-FAF-65, dated 18-03-1966

***Government of Hyderabad Notification No. 450 dated 6-02-1935

***Government of Mysore Notification No. S.O. 1368 dated 07-07-1971

**** Government of Karnataka Notification No. FFD-14-FAF-75, dated 15-07-1975

*****Government of Karnataka Notification No. AFD-62-FAF-74, dated 5/11-09-1974

*****Government of Hyderabad Notification Gazette No. 20, dated 16-02-1939

3. DCF, Bidar Division Report: The Deputy Conservator of Forests, Bidar Division has inspected the site on 25-08-2022 and vide Ref (3) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Kalburgi Circle. Main features of the proposal based up on the Deputy Conservator of Forests, Bidar Division report r/w report of Chief Conservator of Forest, Kalburgi and that of ICT Centre of Forest Department are summarized below.

- a. The forest land proposed for diversion is plain area and is not vulnerable to soil erosion.
- b. The forest land proposed for diversion is in general landscape of Eco-Class III (Tropical Dry Deciduous Forests) with a canopy density up to 0.3 (Open Forest).
- c. As per Item 4(ii) of PART-II, there are no trees on the forest land proposed for diversion.
- d. Major wild animals present in and around the project area include the Black Buck, Jackal, Common Langur, Porcupines, Wild Pig and Peacock etc,
- e. There are no 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 does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc.
- g. There are no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc., within one kilometre of the forest land proposed for diversion.
- h. The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
- i. There are no Protected/ Archaeological/ Heritage site 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 bare minimum and unavoidable.
- 4. DCF, Kalburgi Division Report:** The Deputy Conservator of Forests, Kalburgi Division has inspected the site on 23-07-2022 and vide Ref (3) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Kalburgi Circle. Main features of the proposal based up on the Deputy Conservator of Forests, Kalburgi Division report r/w report of Chief Conservator of Forest, Kalburgi and that of ICT Centre of Forest Department are summarized below.
- a. The forest land proposed for diversion is plain area and is not vulnerable to soil erosion.
 - b. The forest land proposed for diversion is in general landscape of Eco-Class III (Tropical Dry Deciduous Forests) with a canopy density up to 0.4 (Open Forest).
 - c. As per Item 4(ii) of PART-II, there are 55 trees of the Girth Classes 31-60 cm in the forest land proposed for diversion. Main species include *Tectonagrandis* etc.
 - d. Major wild animals present in and around the project area include the Blue Bull, Panther, Hyena, Black Buck, Indian Wolf, Jackal, Common Fox, Common Langur, Indian Porcupines, Squirrel, Spotted Deer, Wild Pig, Hare, Jungle Cat, Mongoose and Fruit Bat etc,
 - e. There are no 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 a part of the Chincholi Wildlife Sanctuary notified under Wildlife (Protection) Act, 1972. But, the concerned Deputy Conservator of Forests, Kalburgi Division in Part-II column 8(ii) states that there is no impact by the said project to the Chincholi Wildlife Sanctuary.
 - g. There are no Protected/ Archaeological/ Heritage sites or Defence establishments or important monuments in the area.
 - h. There is no violation reported under Forest (Conservation) Act, 1980.
 - i. The requirement of forest land for the project is bare minimum and unavoidable.
- 5. CCF, Kalburgi Circle Report:** The Chief Conservator of Forests, Kalburgi Circle has not inspected the site personally. However, agreeing with the recommendation made by the Deputy Conservators of Forests, Bidar Division and Kalburgi Division, the Chief Conservator of Forests, Kalburgi Circle has also recommended the proposal. Specific comments of the Chief Conservator of Forests, Kalburgi Circle are mentioned in PART-III of the proposal cited Ref (5) above.

6. **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. 5-2/2017-FC dated 28-03-2019. **the User Agency will be required to pay the applicable charges as per the order issued vide the Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division), New Delhi letter F.No. 5-3/2011-FC(Vol-I) dated 06-01-2022 (guidelines regarding revised rates of NPV), dated 19-01-2022 (regarding proposals applicable for revised rate of NPV) and dated 22-03-2022 (regarding proposals applicable for revised rate of NPV).** The User Agency has uploaded/submitted an Undertaking agreeing to pay the Net Present Value (NPV) of the forest land proposed for diversion.
7. **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. Accordingly, **the User Agency will be required to pay the applicable charges in accordance with the PCCF (HoFF) O.M. KFD/HOFF/A5-3(GFL)/34/2019-FC [E-88289] dated 24-05-2022, in case any tree is required to be felled for the purpose of laying of the Optical Fiber Cable.** The User Agency has uploaded/submitted an Undertaking agreeing to pay the required charges.
8. **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.**
9. **Additional issues:**
- a. **Change of proposed extent:** Though, the User Agency has proposed for diversion of forest land in Bidar Division was for **0.2227598 ha in 5**

different survey numbers in Part-I. But, as per Item 15 and 16 of PART-II i.e site inspection report and recommendation of the Deputy Conservator of Forests, Bidar Division after field survey it has been found that the area for diversion in the forest land would be for **0.310339 ha** falling in **the 12 different survey numbers**. Hence, the change of the extent may be considered accordingly without insisting to change the same in the Part-I of the proposal.

- b. Wildlife Clearance:** **Wildlife Clearance:** As the proposal involves diversion of forest land inside a Chincholi Wildlife Sanctuary. The User Agency will have to obtain the Wildlife Clearance for the proposal from the State Board for Wildlife as per **FC Guidelines Para 4.2** 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 has uploaded Wildlife clearance proposal vide Proposal No. FP/KA/OFC/6242/2022 for extent of 0.407413 ha of forest land inside the Protected area on 03-03-2022 which was accepted by Wildlife Warden Kalburgi on 30-08-2022. Further, the proposal was communicated to Chief Wildlife Warden on 01-09-2022 and after verification it was submitted to State Board for Wildlife (SBWL) by the Chief Wildlife Warden on 08-09-2022. Presently the proposal for Wildlife Clearance is pending at State Board for Wildlife (SBWL) for approval (Timeline of the proposal enclosed).
- c. Proposal vis-a-vis General approval provision of the FC Guidelines:** Para 4.2 Laying of Under Ground Optical (OFC), telephone line, drinking water supply pipelines, electricity cables, CNG/PNG and slurry pipelines of the FC Guidelines provides for according 'in principle' approval in the State Government.

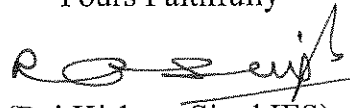
The instant proposal involves laying of Optical Fiber Cable from Chincholi-Chimmanchodi Village in Chincholi Taluk of Kalburgi District and Kalluru-Lingapura Village in Chitaguppa Taluk of Bidar District passing through the Chincholi Wildlife Sanctuary. Hence, **as per the above Guidelines instant proposal may be accorded 'in-principle' (Stage-I) approval by the State Government.**

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to accord/seek 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of **0.845271 ha (revised from 0.76253 ha)** of forest land in Karakanahalli Village and other 12 Villages of Chincholi Taluk, Kalburgi District and Chitaguppa Taluk of Bidar District for laying of Jio Optical Fiber Cable along the road from Chincholi-Chimmanchodi Village in Chincholi Taluk of Kalburgi District and Kalluru-Lingapura Village in Chitaguppa Taluk of Bidar District in favour of the Deputy

General Manager (DGM), Senior Executive Officer (SEO), Jio Digital Fiber Private Limited, Vasanth Nagara, Bengaluru in favour of M/s 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), Wildlife clearance from State Board of Wildlife (SBWL) 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) 2/11


Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Chief Conservator of Forests, Kalburgi Circle, Kalburgi for information.
2. Deputy Conservator(s) of Forests, Bidar and Kalburgi Division(s) for information.
3. Deputy General Manager (DGM), Senior Executive Officer (SEO), 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 Wildlife clearance from State Board for Wildlife (SBWL) 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 approach road 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 of 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)
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 for according / seeking 'in-principle' (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.845271 ha <i>(revised from 0.76253 ha)</i> of forest land in Karakanahalli Village and other 12 Villages of Chincholi Taluk, Kalburgi District and Chitaguppa Taluk of Bidar District for laying of Jio Optical Fiber Cable along the road from Chincholi-Chimmanchodi Village in Chincholi Taluk of Kalburgi District and Kalluru-Lingapura Village in Chitaguppa Taluk of Bidar District in favour of the Deputy General Manager (DGM), Senior Executive Officer (SEO), Jio Digital Fiber Private Limited, Vasanth Nagara, Bengaluru for a period of twenty (20) years, subject to submission of RoFR Compliance Certificate in FORM-I (for Linear projects)), Wildlife clearance from State Board of Wildlife (SBWL) and the conditions listed in Annexure 'A'.</p> <p>[Proposal No.FP/KA/OFC/143839/2021 [Form-A]]</p> |
|---|--|

Signature:



Name:

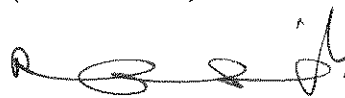
VIJAY SHARMA IFS

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)**

(Official Seal):

N.D.O. No: 45/2022-23

Date: 03-11-2022

