

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

ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003

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E-office File No.KFD/HOFF/A5-6 (GFL)/18/2020-FC

E-383064

Date 05-12-2022

To

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

Sir

Sub: Diversion of 0.453 ha (revised from 0.5487) of forest land in MM Hills WL, XX, MM Hills WL, XX Cauvery WL, XX MM hills, XX D.M Samudra, 75 of Hanur Taluk, Chamarajanagar district for laying JIO optical Fiber Cable along the Right of way in NH-PWD road from Kowdahalli- Dhanthalli and Rampura- Hanur in Male Mahadeshwara WL Division and Cauvery Wild life division in Hanur Taluk, Chamarajanagar district in favour of Jio Digital Fiber Private Limited, Bengaluru

Proposal No. FP/KA/OFC/60759/2020 [FORM A]

- Ref:**
1. Online proposal [FORM-A PART-I] dated 10-06-2022 (submitted) of M/s Jio Digital Fiber Private Limited, Bengaluru r/w Acknowledgement uploaded online on 02-07-2022 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 06-07-2022 to Deputy Conservator of Forests, Malai Mahadeshwara Wildlife division, Kollegala and Deputy Conservator of Forests, Cauvery Wild life division, Kollegala for further processing of proposal.
 3. Online submission of PART-II on 30-07-2022 by the Deputy Conservator of Forests, Malai Mahadeshwara Wildlife division, Kollegala.
 4. Online submission of PART-II on 01-09-2022 by the Deputy Conservator of Forests, Cauvery Wildlife division, Kollegala.
 5. Online submission of PART-III by the Chief Conservator of Forests, Chamarajanagar Circle to Nodal Officer on 14-11-2022 [letter No letter c1/land/FC -60759/2020/2022-23 dated 03-11-2022]

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 0.453 ha (revised from 0.5487) of forest land in MM Hills WL, XX, MM Hills WL, XX Cauvery WL, XX MM hills, XX D.M Samudra, 75 of Hanur Taluk, Chamarajanagar district for laying JIO optical Fiber Cable along the Right of way in NH-PWD road from Kowdahalli- Dhanthalli and Rampura- Hanur in Male Mahadeshwara WL Division and Cauvery Wild life division in Hanur Taluk, Chamarajanagar district. After uploading of Acknowledgement on 02-07-2022 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, Malai Mahadeshwara Wildlife division, Kollegala and Cauvery Wildlife division Kollegala 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 and Sy.No.	Project component	Forest extent proposed for diversion (ha)	Legal status of land
Chamaraja nagara District, Kollegala taluk, Ramapura, Hanuru Hobli	XX of Reserve Forest, 75 of DM. Samudara, MM Hills WL, XX of Cauvery WL	Optical Fibre Cable	0.453	*Reserved Forest
Total			0.453	

3. **Report of DCF, Malai Mahadeshwara Wildlife division, Kollegala:** The Deputy Conservator of Forests, Malai Mahadeshwara Wildlife division, Kollegala has inspected the site on 28-07-2022 and vide Ref (3) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Chamarajanagar Circle, Chamarajanagar. Main features of the proposal based on the reports of the Deputy Conservator of Forests, Malai Mahadeshwara Wildlife Division, Kollegala r/w report of Chief Conservator of Forests, Chamarajanagar Circle and that of ICT Centre of Forest Department are summarized below.
 - a. The forest area proposed for diversion is gently sloped with very minimal erosion at effect.

- b. The forest land proposed for diversion is in general landscape of Eco-class-IV (Consisting of Tropical Thorn Forests and Tropical Dry Evergreen Forests) with a canopy density of up to 0.7
 - c. As per Item 4(ii) of PART-II of the proposal, there is one tree *Albezzia amara* on the forest land proposed for diversion. *[as per site inspection report uploaded in the portal]*
 - d. Main wild animals reported in and around the project area are Elephant, Tiger, Indian Gaur, Sambar, Spotted Deer, Leopard, Wild Dogs, Honey Badger, Civet Cat, Monitor lizard, Porcupine, Hare, Grizzly giant squirrels etc, are present in and around the forest land proposed for diversion.
 - 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 forms a part of Malai Mahadeshwara Wildlife Sanctuary. Which is a Protected Area notified under Wildlife (Protection) Act, 1972
 - g. There are National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc., within one kilometer of the forest land proposed for diversion.
 - h. There are no Protected/ Archaeological/ Heritage sites or Defense 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. **Report of DCF, Cauvery Wildlife division, Kollegala:** The Deputy Conservator of Forests, Cauvery Wildlife division, Kollegala has inspected the site on 01-09-2022 and vide Ref (4) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Chamarajanagar Circle, Chamarajanagar. Main features of the proposal based on the reports of the Deputy Conservator of Forests, Cauvery Wildlife Division, Kollegala r/w report of Chief Conservator of Forests, Chamarajanagar Circle and that of ICT Centre of Forest Department are summarized below.
- a. The forest area proposed for diversion is gently sloped with very minimal erosion at effect.
 - b. The forest land proposed for diversion is in general landscape of Eco class-I (Tropical Thorn Forests and Tropical Dry Evergreen Forests) open forest with a canopy density of up to 0.4

- c. As per Item 4(ii) of PART-II of the proposal, there is no tree on the forest land proposed for diversion. *[as per site inspection report uploaded in the portal]*
 - d. There are no rare / endangered / unique species of flora and fauna reported in and around the forest land proposed for diversion.
 - e. The forest land proposed for diversion forms a part of Cauvery Wildlife Sanctuary, which is also an elephant corridor.
 - f. The forest land proposed for diversion is located within the Eco-Sensitive Zone (ESZ) of Cauvery Wildlife Sanctuary, which is a Protected Area notified under Wildlife (Protection) Act, 1972.
 - g. There are no Protected/ Archaeological/ Heritage sites or Defense establishments or important monuments in the area.
 - h. There is no violation reported under the Forest (Conservation) Act, 1980.
 - i. The requirement of forest land for the project is the bare minimum and unavoidable.
5. **CCF, Chamarajanagar Circle Report:** The Chief Conservator of Forests, Chamarajanagar Circle has not inspected the site, However, agreeing with the recommendations of the Deputy Conservator of Forests, Malai Mahadeshwara Wildlife division, and Cauvery Wildlife division Kollegala the Chief Conservator of Forests, Chamarajanagar Circle has also recommended the proposal and vide ref (4) has submitted his specific comments in Item 16 of PART -II/III of the proposal.
6. **Net Present Value (NPV):** The User Agency is required to pay the 5 times the Net Present Value (NPV) of forest land as the proposed area falls in Malai Mahadeshwara Wildlife Sanctuary and Cauvery 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 dated 15-01-2022 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. 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 24-05-2022. The User Agency has agreed to pay the Compensatory Planting charges and has submitted an Undertaking in this regard.

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. **Wildlife Clearance:** As the proposal involves diversion of forest land inside a Malai Mahadeshwara Wildlife Sanctuary and Cauvery Wildlife Sancturary, the User Agency will have to obtain 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 on 25-06-2022 which was accepted by the Chief Wildlife Warden on 30-07-2022. Further, the proposal is pending with Chief Conservator of Forests, Chamarajanagara (07-10-2022) due to EDS raised by the State Board for Wildlife.**
 - b. **Proposal vis-a-vis General approval provision of the FC Guidelines is covered under Para 4.2 i.e. Laying of Under Ground Optical (OFC), telephone line, drinking water supply pipelines, electricity cables, CNG/PNG and slurry pipelines of the FC Guidelines.**

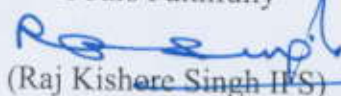
The instant proposal involves laying of Optical Fiber Cable from Kowdahalli- Dhanthalli and Rampura- Hanur Village passing through

the wildlife Sanctuary. Hence, as per the above Guidelines instant proposal may be accorded in-principle' (Stage-I) approval by the State Government.

In light of the facts stated above and agreeing with the recommendation made by the field officers, it is requested to accord/seek 'in-principle' (Stage-I) approval under the Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.453 ha (revised from 0.5487) of forest land in MM Hills WL, XX, MM Hills WL, XX Cauvery WL, XX MM hills, XX D.M Samudra, 75 of Hanur Taluk, Chamarajanagar district for laying JIO optical Fiber Cable along the Right of way in NH-PWD road from Kowdahalli- Dhanthalli and Rampura- Hanur in Male Mahadeshwara WL Division and Cauvery Wild life division in Hanur Taluk, Chamarajanagar district in favour of Jio Digital Fiber Private Limited, No, 51, RMZ Icon, Palace Cross Road, Vasanth Nagar, Bengaluru for a period of twenty (20) years, subject to submission of RoFR Compliance Certificate in FORM-I (for Linear projects) and Wildlife clearance from State Board of Wildlife (SBWL) 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)

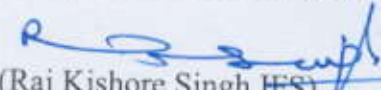
Principal Chief Conservator of Forests
(Head of Forest Force)

5.12.22

1. Copy to the Chief Conservator of Forests, Chamarajanagara Circle for information.
2. Copy to the Deputy Conservator of Forests, Mali Mahadeshwara WL division, Kollegala and Deputy Conservator of Forests, Cauvery Wildlife division 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 **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 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


(Raj Kishore Singh IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

5.12.22

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 according/ seeking 'in-principle' (Stage-I) approval for diversion of 0.453 ha (revised from 0.5487) of forest land in MM Hills WL, XX, MM Hills WL, XX Cauvery WL, XX MM hills, XX D.M Samudra, 75 of Hanur Taluk, Chamarajanagar district for laying JIO optical Fiber Cable along the Right of way in NH-PWD road from Kowdahalli- Dhanthalli and Rampura- Hanur in Male Mahadeshwara WL Division and Cauvery Wild life division in Hanur Taluk, Chamarajanagar district in favour of Jio Digital Fiber Private Limited, No, 51, RMZ Icon, Palace Cross Road, Vasanth Nagar, 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/60759/2020]</p>
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Signature:
Name:
Designation:


VIJAY SHARMA IFS
Principal Chief Conservator of Forests
(Forest Conservation) and
Nodal Officer (FCA)

(Official Seal):

Counter signed by :
Name:
Designation:


RAJ KISHORE SINGH IFS 5.12.22
Principal Chief Conservator of Forests
(Head of Forest Force)

(Official Seal):

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

Date: -11-2022