

TAMIL NADU FOREST DEPARTMENT

From
Thiru Syed Muzammil Abbas IFS.,
Principal Chief Conservator of Forests,
(Head of Forest Force),
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Guindy, Chennai - 600 032.

To
The Additional Chief Secretary to
Government,
Environment Climate Change and
Forests Department, Secretariat,
Chennai 600 009.

Ref. No. TS4/48485/2020 dated.23.11.2022

Madam,

Sub : Forest – Forest (Conservation) Act, 1980 – SMTR, Madurai circle – Theni Forest Division – Proposal for diversion of 0.193 ha of forest land for laying of underground OFC along Cumbum – Kumuli NH road from lower camp to Kumuli through Suranganur Reserved Forest – online proposal submission by the User Agency ie. Jio Digital Fibre private Ltd., Chennai – Regarding.

- Ref :
1. Online application uploaded by the User Agency Jio Digital Fibre private Ltd., Chennai. (FP/TN/OFC/116522/2020).
 2. PCCF, Chennai-15 Ref.No:48485/2020/TS4 dated 19.01.2021.
 3. Revised Online application uploaded by the User Agency Jio Digital Fibre private Ltd., Chennai on 31.08.2021.
 4. Acknowledgement uploaded by the User agency on 25.10.2021 for the receipt of the proposal by District and circle level officers.
 5. Principal Chief Conservator of Forests, Chennai-15 Ref.No:48485/2020/TS4 dated 29.10.2021.
 6. Part-II recommendation and field inspection report by the District Forest Officer, Theni Ref. No: D/7782/2018 dated 07.03.2022 and EDS reply uploaded on 25.07.2022 & 01.09.2022.
 7. Part-III recommendation and field inspection report by the Conservator of Forests & Field Director, SMTR, Madurai Lr.No: 10490 / 2021/D1 dated 29.03.2022. and EDS reply uploaded on 26.09.22

I wish to state that the Jio Digital Fibre private Ltd., Chennai has uploaded an online proposal for diversion of 0.193 ha of forest land for laying of underground OFC along Cumbum – Kumuli NH road from lower camp to Kumuli through Suranganur Reserved Forest in Theni division, Theni district under Forest (Conservation) Act 1980 vide proposal No. FP/TN/OFC/116522/2020.

- 1) The User Agency has furnished following Certificates /Undertakings.

i) Form-A, Part-1 for seeking prior approval under Section 2 of the Forest (Conservation) Act, 1980.

ii) Short narrative of the proposal for which the forest land is required.
(As required vide A-1 (iii) of proposal format).

iii) Certificate of competence authority for making online application.

Power of Attorney to Thiru.T.T.Balsamy on behalf of company to do all works such as signing of agreements, documents or any other works.

iv) kml file along with GPS readings.

v) Copy of Survey of India topo sheet indicating boundary of forest land proposed to be diverted has been up-loaded forest boundary (Section C of Maps-C.iii)

vi) Geo referenced location map of the proposed diversion of forest area for formation of road marked in the google earth (Section C of Maps-C.iv)

vii) Note containing justification for locating the project in forest area
(As required vide D.(i) of proposal format) enclosed.

In the justification, the user agency has stated that the area requested for this proposal is 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 the 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.

viii) Certificate obtained from the District Collector, Theni District about settlement of Tribes under Forest Rights Act 2006 in the prescribed format.(Form-i for linear projects) in Ref.No:3794/2021/G7 dated 27.08.2021.

ix) Certificate obtained from the District Collector, Theni District regarding no suitable alternate non forest land other than forest land available for the project.

x) Area requirement details for the project.Area-0.193ha

(6.44km length and width of 0.30m = 0.193 Ha)

2) The following certificates/undertakings were enclosed by the user agency.

- a) There is no catchment area treatment plan in the approved plan.
- b) Certificate regarding no violation of Forest (Conservation) Act, 1980.
- c) Certificate regarding the requirement of forest land is barest minimum.
- d) Undertaking to bear the cost of Compensatory Afforestation, Penal Compensatory Afforestation/Maintenance of plantation/Protection of plantation for the proposed area of diversion.
- e) Undertaking to pay the NPV amount as fixed by the Hon'ble Supreme Court of India required for the project.
- f) Undertaking to pay the Additional NPV amount as fixed by the guidelines of Hon'ble Supreme Court of India required for the project.
- g) Undertaking to pay any cost of escalation for exploitation of trees if any available in the alignment path for the proposed diversion.
- h) Undertaking to bear the cost of felling of trees and transportation cost of the trees to be removed if any available in the alignment path for the proposed diversion
- i) Undertaking for the payment of cost towards lease rent as fixed by the Forest Department at the time of sanction along with any escalation for the forest land to be diverted.
- j) undertaking regarding remittance of Net Present Value, the user agency has stated that in Government of India Guidelines of Forest (Conservation) Act, 1980 in F.No.5-3/2007-FC, dated 05.02.2009, exemption for payment of Net Present Value for underground laying of Optical Fibre Cable has been allowed, if the area does not form a part of National Park / Sanctuary and no felling of trees is involved. The above area is not declared as National Park / Sanctuary and no felling of trees of any nature (planted / spontaneous growth) will not be done and alignment will be carried out to avoid removal of trees in the alignment path. Net Present Value is not payable in the present case. However if subsequently any clarification / order is

issued by the Central Government / Honorable Supreme Court of India to the contrary, the user agency undertake to made such payment on issue of demand notice by the State Forest Department.

- k) Certificate from the user agency regarding there is no suitable and technically approved alternate non forest land available for the project.
- l) Certificate from the user agency for Settlement of rights under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006.

3) In part-II, the District Forest Officer has furnished details the area proposed for diversion is in Reserved Forest and the density of vegetation as 0.4 and type of forest is Eco-class-3. The details of wildlife present in the proposed area has been furnished as Lion tailed Macaque. In section 2(ii), it has been stated that that there is no trees (Spontaneous (or) Planted) available in the forest area proposed for diversion.

In section 8(ii), whether forms part of national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc. the District Forest Officer has mentioned as "Yes" and for Details and comments on the impact of Project on such areas it is stated that "Part of the proposed area (i.e) 1.30 km falls within the Tiger Corridor, since the location falls within the side of existing National Highway Road there will not be any negative impact if the project executed."

In section 8 (iv), Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within 1 Km. from boundary of the forest land proposed for diversion is 'Yes' and Details and comments on the impact of Project on such areas, he has mentioned as 'Srivilliputhur Megamalai Tiger Reserve, Megamalai Division, Theni is located around 20m from the proposed location and since the proposed Project is adjacent to the National Highway and the area proposed to be diverted is only 0.193 Ha. there will not be any negative impact.'

In Section 13, the District Forest Officer & Wildlife Warden has not proposed C.A scheme.

4) The District Forest Officer, Theni has inspected the proposed area on 16.11.2021, 04.01.2022 and 02.03.2022 and stated that

- a) The area requested by the User agency for diversion is 0.193 Ha. The requirement of forest land proposed is bare minimum and there is no alternate route.
- b) The proposed area falls in Theni Division, Cumbum west range, Suranganar beat and Kumili beat, Suranganar Reserved Forest.
- c) The proposed area is along the right side of the Kollam-Dindigul National highway (NH 183), running between Cumbum-Kumili.
- d) The proposed area requested for laying of underground Optic Fiber Cable is as follows:
Length - 6.44 kms Width - 0.30 m Depth - 2.00 m
- e) The proposed area is devoid of any vegetation and no tree felling is required for carrying out the proposal.
- f) The area does not have protected, archaeological / heritage site / defense establishment or any other important monuments.
- g) On inspection of the site, it is found that the proposed area for the project runs along the existing National highways road.
- h) The proposed area does not involve rare species of flora and fauna. During site inspection endangered species such as Lion Tail Macaque was noted.
- i) There is no report of violation of Forest Conservation Act against the User Agency for the proposed project.

5) In his recommendation, the District Forest Officer has stated that

- i) The proposal for laying of underground Optic Fiber Cable for an area of 0.193 Ha in Cumbum west range, Suranganar beat and Kumili beat, Suranganar Reserved Forest is bare minimum and unavoidable.
- ii) The proposed area does not fall in eco-sensitive zone of Megamalai and Kodaikanal Wildlife Sanctuaries.
- iii) The proposed area does not fall in Eco-sensitive Area (ESA). Part of the proposed area i.e., 1.30km falls within the Tiger Corridor as per the

file available in the website of the National Tiger Conservation Authority (www.ntca.gov.in). The corridor connects the Mathikettan Shola National Park and Periyar National Park, in the state of Kerala.

- iv) The project aims at providing improvement of communication facilities under the Hon'ble Prime Ministers vision of Digital India.

Hence the proposed area involving diversion of 0.193 Ha of forest area for non-forestry purpose may be permitted.

6) The Conservator of Forests and Field Director, Srivilliputhur Megamalai Tiger Reserve, Madurai has inspected the area for diversion of 0.193 Ha of forest land in Suranganar Reserved Forest for laying of underground OFC along Cumbum - Kumuli NH Road from Lower Camp in Theni Forest Division of Srivilliputhur Megamalai Tiger Reserve, Madurai along with District Forest Officer, Theni and field staff on 09.03.2022.

1. The forest area requested for laying of underground Optical Fibre Cable to a length of 6.44Kms, width of 0.30m and depth of 2.00m is along the right side of Kollam - Dindigul National Highways (NH-183) running between Cumbum to Kumuli in Theni Forest Division.
2. The alignment is along the berm area of the road which involves no felling of trees or causes any disturbance to vegetation.
3. The proposed area doesn't fall under any Eco Sensitive Zone, Wildlife Sanctuary, National Park and Tiger Reserve.
4. There is no tree felling is required for carrying out this proposal.

Hence, the diversion of forest land to an extent of 0.193Ha may be considered.

7) In the recommendation, the Conservator of Forests has stated that

1. The proposed forest area requested for laying of underground Optical Fiber Cable to an extent of 0.193 Ha falls in Suranganar Reserved Forest of Cumbum West Range in Theni Division.
2. Permission requested for laying of underground Optical Fiber Cable to a length of 6.44Km, width of 0.30m and depth of 2.00m lies along the right side of the Kollam - Dindigul National Highways (NH-183) running between Cumbum to Kumuli in Theni Forest Division in Theni district.
3. The OFC has to be laid along the berms of the road and after laying of cables the trench will be refilled and there is no cutting of fresh land involved.

4. As per the file available in the website (www.ntca.gov.in.) National Tiger Conservation Authority, a part of the proposed area (i.e.) 1.30km is falls within the Tiger Corridor of Mathikettan Shola National Park and Periyar National Park of Kerala State.

5. There is no tree felling is required for carrying out this proposal. The proposed forest area doesn't fall in any of the Eco Sensitive Zone, Wildlife Sanctuary, National park, Heritage Site and Tiger Reserve and hence recommended.

8) The District Forest Officer, Theni and the Conservator of Forests and Field Director, Srivilliputhur Megamalai Tiger Reserve, Madurai has stated that as per the file available in the website www.ntca.gov.in. National Tiger Conservation Authority, a part of the proposed area (i.e.) 1.30km is falls within the Tiger Corridor of Mathikettan Shola National Park and Periyar National Park of Kerala State.

Since a part of the proposal (i.e.) 1.30km is falls within the Tiger Corridor of Mathikettan Shola National Park and Periyar National Park of Kerala State, the user agency has uploaded the online proposal for Wildlife Clearance for seeking recommendation of Standing Committee of SBWL /NBWL and the same was forwarded by the Conservator Forests & Forest Officers, Srivilliputhur Megamalai Tiger Reserve, Madurai to Principal Chief Conservator of Forests & Chief Wildlife Warden on 22.09.2022 for obtaining WL clearance.

9) In this regard, it is submitted that the User Agency has uploaded all the certificates /undertakings/details as required in this proposal.

10) The proposal is sent herewith duly recommended in the part IV format proposal by the Additional Principal Chief Conservator of Forests (FCA) / Nodal Officer (Forest Conservation Act).

The area proposed for diversion of diversion of 0.193 ha of forest land for laying of underground OFC along Cumbum – Kumuli NH road from lower camp to Kumuli through Suranganur Reserved Forest in Theni Division is recommended and forwarded to the Government of Tamilnadu for obtaining approval from Government of India subject to the following conditions.

1. The legal status of the land shall remain unchanged and shall remain as Reserved Forests.

2. The demarcation of the proposed forest area shall be carried out by erecting 4 feet height cement concrete pillars duly numbered at an interval of 20 mts at the cost of User Agency.
3. The User Agency shall obtain clearance from National Board of Wildlife as 1.3Km falls with Tiger corridor area of Mathikettan chola National Park and Periyar National Park of Kerala state.
4. The User Agency shall pay the Net present value of the diverted forest area at the rates stipulated by the Ministry of Environment and Forests from time to time, as per the orders of the Hon'ble Supreme Court Order dated 28.03.2008 and 09.05.2008 in IA Nos. 826 in 566 with related IAS in Writ Petition (Civil) No.202/1995.
5. The fund from the User Agency towards Compensatory Afforestation and NPV under this project shall be deposited by generating chalan from the Ministry's online web portal. UTR No and date should be furnished.
6. The Additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to the effect.
7. The User Agency shall be responsible for any loss to Flora and Fauna in the surroundings and shall take all possible measures to conserve the same.
8. The forest land shall not be used for any other purpose other than that specified in the proposal.
9. The lease rent should be realized from the User Agency as per G.O.Ms.No.272, E&F(FR.XIII) Dept. dated 15.04.1991.
10. The period of lease is 20 years
11. The User Agency should send renewal proposal one year before expiry of lease.
12. The Conservator of Forests & Field Director and District Forest Officer may impose any other condition in the interest of conservation /protection land development of forests.

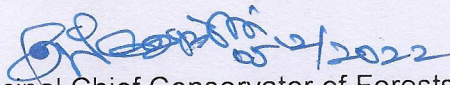
For remitting of NPV amount, in Government of India Guidelines of Forest (Conservation) Act, 1980 in F.No.5-3/2007-FC, dated 05.02.2009, exemption for payment of Net Present Value for underground laying of Optical Fibre Cable has been allowed, if the area does not form a part of National Park / Sanctuary and no felling of trees is involved.

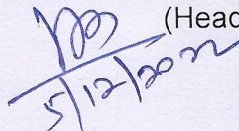
The above area is not declared as National Park / Sanctuary and no felling of trees involved in this project. Since the proposed area is falls under Tiger Corridor, payment of Net Present Value for the forest area diversion for laying OFC may be insisted.

I am enclosing the proposal in duplicate for obtaining concurrence of Government of India, Ministry of Environment, Forests and Climate change, Integrated Regional Office, Nungambakkam, Chennai under Forest (Conservation) Act, 1980 for diversion 0.193 ha of forest land for laying of underground OFC along Cumbum – Kumuli NH road from lower camp to Kumuli through Suranganur Reserved Forest in Theni division, Theni district for 20 years.

Encl.: Proposal in duplicate.

Yours faithfully


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


5/12/2022

PART IV

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

Name of the work: Forests - Forest (Conservation) Act, 1980 –SMTR, Madurai Circle - Theni Forest Division - Proposal for diversion of 0.193 ha of forest land in Suranganur Reserved Forest for laying of underground OFC along Cumbum – Kumuli NH road from lower camp to Kumuli – Online proposal submission by the User Agency ie. Jio Digital Fibre private Ltd., Chennai.

Proposal No: (FP/TN/OFC/116522/2020).

17. Detailed opinion and specific recommendation of the State Forest Department. for acceptance or otherwise of the proposal with remarks.

(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).

"Recommended"
K. Pragasam
11/11/20
4/4

Date:

Signature:

Place:

Name :

Official Seal:

Additional Principal Chief Conservator

of Forests

(Forest Conservation Act)/Nodal
Officer