

TAMILNADU FOREST DEPARTMENT

From

To

Thiru S. Yuvaraj, I.F.S.,
Principal Chief Conservator of Forests,
(Head of Department)
Panagal Maaligai, Saidapet,
Chennai - 15.

The Additional Chief Secretary to
Government,
Environment and Forests Department,
Secretariat,
Chennai 9.

C. No. TS3/48990/2018 Dated: 11.12.2020.

Sir,

Sub: Forest (Conservation) Act, 1980 – Mudumalai Tiger Reserve, Udagamandalam - Proposal for diversion of 0.426 ha of forest land in Mudumalai Tiger Reserve for laying of Optical Fiber Cable along the Theppakkadu, Masinagudi and Moyar Road section in the Nilgiris District - Online Submission of proposal by the User Agency - M/s. Reliance Jio Infocomm Limited, Chennai - Regarding.

- Ref:
1. Online application uploaded by the User Agency - M/s Reliance Jio Infocomm Limited, No. 89, Radhakrishnan Salai, Mylapore, Chennai - 4 Proposal No. FP/TN/Others/24406/2017 dated 18.02.2017 and re-submission of proposal on 06.07.2018 & 13.02.2019 and EDS replies on 24.08.2019, 14.11.2019 and 06.12.2019.
 2. Principal Chief Conservator of Forests ref No. TS3/48990/2018, dated 10.04.2019.
 3. Part-II of Form-A uploaded by the Deputy Director, Masinagudi Division, Mudumalai Tiger Reserve on 24.09.2019 and EDS replies
 4. Part-III of Form-A uploaded by the Field Director, Mudumalai Tiger Reserve, Udagamandalam on 14.10.2019 and EDS replies.
 5. Principal Chief Conservator of Forests ref No. TS3/48990/2018, dated 30.10.2019, 08.01.2020 & 18.02.2020.
 6. Resubmission of proposal by the Additional Principal Chief Conservator of Forests and Field Director, MTR on 05.03.2020 and submission of hard copy in C. No. 4875/2017/D1, dated 26.02.2020.

1) I wish to inform that, M/s Reliance Jio Infocomm Limited, No. 89, Radhakrishnan Salai, Mylapore, Chennai - 4 has furnished online application under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.48 ha of forest land in Mudhumalai Tiger Reserve for laying of underground Optical Fiber Cable along the Theppakkadu, Masinagudi and Moyar road section in the Nilgiris District. Subsequently, based on the field assessment made by the Deputy Director, Mudumalai Tiger Reserve, Masinagudi, the user agency has modified the forest area diversion proposal to 0.426 ha.

2) The User Agency has furnished online proposal in Form-A Part-1 under Section 2 of Forest (Conservation) Act, 1980 for diversion of fresh forest land as prescribed by the Government of India.

i) The User Agency has reported that area required in forest area is for 0.426 ha.,

ii) The User Agency has proposed the forest area diversion / usage for the project for a period of 20 years.

iii) The User Agency has reported that, non forest land is not available within the Mudumalai Tiger Reserve for the project.

iv) Forest area diversion has been proposed in Mudumalai Tiger Reserve area in the Nilgiris District. For laying of OFC in the forest area to a length of 14.20 km, forest area requirement is 0.426 ha. (Segment 1- 7.20km length and 0.30m width (2160 sq.m) and segment 2 – 7.0km length and 0.30m width (2100 sq.m))

v) The User Agency has furnished copy of Survey of India Topo sheet indicating the boundary of forest land proposed to be diverted and copy of Geo-referenced map of forest land with GPS reading of the site.

vi) In the justification report for locating the project in forest land and alternative examined, the User Agency has stated that, the Optical Fibre Cable are always laid along the road side due to easy supervision, quick maintenance and low cost of maintenance. The applicant does not have to acquire land for this project purpose, as the road side land is under the control of State Highways. The cable shall be laid on 0.30m width of surface land and up to 1-2m depth and nearer to the

extreme road boundary where alignment of trench will be done in such a way that, no tree will required to be cut.

vii) The User Agency has stated that this project does not involve displacement of people due to this project.

viii) The User Agency has stated that, the project does not require clearance under the Environment (Protection) Act, 1986 as the nature of work is not having any impact on environment.

ix) The User Agency has stated that the project or part thereof is located within Protected Area of Mudumalai Tiger Reserve Core Zone in Nilgiris District.

The User Agency has stated that for obtaining approval of Standing Committee of National Board for Wildlife to the project, application is yet to be furnished.

x) The User Agency has stated that the Project or part thereof is not located in a Scheduled area.

xi) The User Agency has obtained and furnished the District Collector Certificate about settlement of Rights under the Forest Rights Act, 2006 on the forest land proposed to be diverted.

The District Collector of Nilgiris District has certified that there is no tribal settlement, traditional Dwellers, patta land enclosure etc., in the proposed project for laying OFC in Theppakkadu-Masinagudi-Moyar road section in forest area for 16 km length bordering near Tamil Nadu and Karnataka states passing through Mudumalai Tiger Reserve (Wildlife Sanctuary) for 4G telecom project, hence applicability of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 does not arise in the project.

xii) Regarding the details of identification for compensatory afforestation, the User Agency has stated that, the area of forest land required is less than 1.00 ha, compensatory afforestation not applicable.

xiii) The User Agency has obtained and furnished the District Collector certificate about non availability of non forest land for the project.

xiv) The User Agency has furnished the following documents, undertakings, certificates with the proposal.

a) Certificate about they have not violated any provisions of the Forest (Conservation) Act, 1980.

b) Certificate about forest land requested is the minimum required for the project and all other alternatives have been examined and found not feasible.

c) Undertaking to bear the cost of compensatory afforestation / penal compensatory afforestation / maintenance of plantation / protection of plantation for the proposed diversion of forest land as fixed by the Forest Department.

d) Undertaking to pay the amount of Net Present Value of the forest land to be fixed as per the guidelines of Hon'ble Supreme Court of India.

e) Undertaking for the payment of additional amount of Net Present Value of the forest land as per the guidelines of Hon'ble Supreme Court of India in future.

f) Undertaking to pay the cost along with any escalation for exploitation of trees if any available in the alignment path.

g) Undertaking to bear the cost of felling of trees and transportation cost of trees to be removed if any available in the alignment path.

h) Certificate to pay the 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 for the project.

i) The User Agency has certified that the diversion of land is less than one hectare, hence no compensatory afforestation of forest land is proposed.

3) In the Principal Chief Conservator of Forests reference 2nd cited above, proposal furnished by the user agency had been forwarded to the Deputy Director, Mudumalai Tiger Reserve, Masinagudi through online for taking further follow up action as per Forest (Conservation) Act, 1980 guidelines.

4) In the references 3rd, 4th and 6th cited above, the Deputy Director, Masinagudi Division and Field Director, Mudumalai Tiger Reserve have forwarded the revised proposal furnished by the user agency along with their recommendations and furnished hard copies of the proposal.

5-i) In the Part-II of Form-A, the Deputy Director, Mudumalai Tiger Reserve, Masinagudi has furnished the following particulars/details.

a) Area of forest land proposed for diversion/use is at 0.426 ha, comes under core area of Mudumalai Tiger Reserve Sanctuary area.

b) Density of the forest area reported as 0.30 in the area adjoining to the location and classified as Eco-class-III.

c) There is no felling of trees involved for the project.

d) The forest land is managed as per Tiger Conservation Plan approved by National Tiger Conservation Authority approved in NTCA.

e) In the brief note on vulnerability of the forest area to erosion, the Deputy Director reported that, slope grading of the site is less than 33%, therefore forest area will not be affected by soil erosion.

f) In the significance of the forest land proposed for diversion/use from wildlife point of view, the following were furnished.

i) Tiger, Panther, Elephants, Wild dog, Gaur, Spotted Deer, Sambar, Sloth bear, Hyena etc are present in and around the forest land proposed for diversion.

ii) The area forms part of Mudumalai Wildlife Sanctuary (Part of Mudumalai Tiger Reserve-Core area). However there would be no negative impact anticipated in lieu of this project.

iii) The proposed location of the project falls within the Protected Area (Mudumalai Tiger Reserve-Core area)

g) The Deputy Director reported that there is no any protected Archaeological / heritage site / defence establishment or any other important monuments located in the area.

h) The Deputy Director reported that the requirement of forest land as proposed by the User Agency is unavoidable and barest minimum.

i) There is no work in violation of the Act or guidelines issued under the Act have been carried out by the User Agency.

j) Since forest area diversion is below one hectare and no felling of trees are involved in the project, the Deputy Director, Mudumalai Tiger Reserve has not proposed compensatory afforestation work based on the Forest (Conservation) Act, 1980 guidelines.

ii) In the site inspection report, the Deputy Director, Mudumalai Tiger Reserve, Udagamandalam has reported that, the area of the proposed project has been inspected on 03.07.2019. The project area falls within the core area of Mudumalai Tiger Reserve in Moyar Reserved Forests notified during 1886 and necessary right of way has been permitted in the RF notification for the use of the road by the public. The proposed project stretch over a length of about 14.20 km from Theppakkadu via Masinagudi to Moyar excluding the non forest land in between.

The work involves of a narrow trench to a top width of 450mm and bottom width of 300mm, with a height of 1650mm has for laying of OFC and which is well within the maximum permissible as allowed by the Government of India. The trench is aligned in the edge (berm portion) alongside the black topped road within the right of way admitted and where no felling of trees are involved. The use of forest land is only temporary and one time affair in the form of strip. There would be no disturbance to wildlife as the said portion would be restored to its original surface. The forest area proposed for use of this project is about 0.426 ha. The User Agency has furnished undertaking to the effect that, there will be no cutting of trees involved in the project and to pay the Net Present Value charged by the Government.

Since the project is not involving any cutting of trees and having not much disturbance to the wildlife and considering the development of communication with 4G facilities, the project is recommended subject to usual terms and conditions and special conditions stipulated by the Government of India.

However in the additional information details section, the Deputy Director has stated that the cross section of the trench proposed by the user agency may be adopted. (ie., 30 cm width trech with 2.00 m depth)

iii) The Deputy Director, Mudumalai Tiger Reserve in his specific recommendation has made the following conditions other than usual terms and condition specified and following special conditions while doing the work.

a) A refundable caution deposit of Rs. 2000/- per Km in the form of a bank guarantee in favour of the Deputy Director may be collected from the User Agency so as to ensure compliance of all conditions in the permission if accorded.

b) 5% of the cost of the project proportionate to the distance located within the Protected Area shall be remitted by the User Agency in Mudumalai Tiger Conservation Authority for habitat improvement and wildlife conservation in the reserve area.

c) Since tiger reserve area is used by the User Agency they shall provide free data connection to tiger reserve management for the cause of conservation and protection of tigers through electronic surveillance in the form of set up box without any structural / tower component to the Range Officer, Reception centres and Division Head quarters.

d) The project should be completed within a period of six months

6) The project site has been inspected by the Additional Principal Chief Conservator of Forests and Field Director, Mudumalai Tiger Reserve on 01.10.2019.

a) In the site inspection report, the Additional Principal Chief Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam, has reported that, based on the details furnished by the Deputy Director in Part-II of the proposal and consequent to his field inspection, it is verified that the use of forest land is only temporary and one time affair in the form of strip and which is well within the maximum permissible limit as allowed by the Government of India vide letter No. 11-9/1998-FC, dated 05.10.2005. The trench having maximum width of 300mm on the ground surface and to a depth of 1650mm. The trench is aligned in the edge (berm portion) alongside the black topped road within the right of way admitted and where no felling of trees are involved. Further, there is no non-forest land is available other than the use of this forest land. The said portion would be restored to its original surface, hence recommended.

b) The Additional Principal Chief Conservator of Forests and Field Director in his specific recommendation of the project has stated that the proposal in particular has been sought for laying OFC from Theppakadu to Moyar via

Masinagudi passing through Mudumalai Tiger Reserve so as to ensure connectivity with other areas. The project will help connectivity and data transfer which will go a long way in the development of the society. The project would also benefit to the tiger reserve management ensuring electronic surveillance by utilizing net connectivity to be provided by the user agency on completion of the project. The use of forest land is only in the form of a strip in shoulder berm portion alongside the black topped road within the public right of way admitted and where no felling of trees is involved. Based on the details furnished by the Deputy Director in Part-II of the proposal and subsequent field inspection on 01.10.2019 and report thereof, the proposal is recommended.

7) The Deputy Director and Additional Principal Chief Conservator of Forests and Field Director have recommended the period of diversion in year as 2019.

Laying of Optical Fiber Cable work in the forest area work along the road side work may be completed within 6 months period as per the time limit stipulated by the Deputy Director. But usage of cable work is permanent feature. Hence the diversion/usage of forest land has been recommended for 20 years as recommended on Defence Services OFC work and Reliance Jio Infocomm Limited earlier proposal in the Mudumalai Tiger Reserve area the Nilgiris District.

8) As per Government of India, Ministry of Environment, Forest and Climate Change (Forest Conservation Division), New Delhi letter F. No. 11-327/2015-FC, dated 14.08.2015, apart from prior approval of Central Government under the Forest (Conservation) Act, 1980, use of forest land in Protected Areas requires prior recommendation of Standing Committee of National Board for Wildlife and the prior leave of the Hon'ble Supreme Court also.

i) The proposals seeking prior approval of Central Government under the FC Act and to obtain prior recommendation of Standing Committee of NBWL for use of forest land for non forestry purpose in protected areas may be proposed concurrently

ii) The Additional Principal Chief Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam in letter No. 4875/2017/D1, dated 28.11.2020 has reported the following.

a) Proposal seeking prior approval under Forest Conservation Act has been submitted through online based on the guidelines issued in Government of India Ir F. No. 11-327/2015-FC dated 14.05.2015.

b) In regard to the prior recommendation of Standing Committee of National Board for Wildlife (NBWL) the user agency has already uploaded the proposal in the web portal on 30.04.2020 seeking prior approval of the State Board of Wildlife (SBWL), since SBWL has been authorized by NBWL in its 46th meeting. The Deputy Director has uploaded the proposal on 12.08.2020 with due recommendation. Apart of the online proposal, the offline proposal has also been received from the user agency through the Deputy Director, Masinagudi and has since been submitted to the Principal Chief Conservator of Forests and Chief Wildlife Warden after due scrutiny by the Additional Principal Chief Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam office vide letter dated 20.11.2020.

c) In regard to prior leave of Hon'ble Supreme Court of India, it may not be required in view of the directions issued in I.A No. 1220 in I.A No. 548 and 994 in W.P No. 202/95, where these kind of proposal have been permitted.

d) Further, this proposal may not be required to be referred to Forest Advisory Committee since this project does not lie in more than one Protected Area as it falls only in one Protected Area namely, Mudumalai Wildlife Sanctuary.

e) The user agency will be permitted to carry out the project only after obtaining prior approval from the Government of India on both the proposals under Forest (Conservation) Act, 1980 and State Board of Wildlife.

Hence the proposal received from the M/s Reliance Jio Infocomm Limited for forest clearance has been forwarded to the Government pending receipt of approval from the SBWL by the User Agency under Wildlife Clearance.

9) As per Government of India guidelines in letter No. 11-9/98-FC dated 16.10.2000 and 08.04.2009, State Forest Department was empowered to accord

permission for laying underground telephone lines/optical fiber cables and drinking water supply pipelines along the roads within the existing right of way not falling in National Park and Wildlife Sanctuary without felling of trees and the maximum size of the trench is 2.00 metre depth and 1.00 metre width. Any deviation/conditions will require separate submission of proposal under Forest (Conservation) Act, 1980.

This proposal area falls in Mudumalai Tiger Reserve sanctuary area. Hence this project requires approval from the Government of India.

10) In Government of India guidelines of Forest (Conservation) Act, 1980 in F. No. 5-3/2007-FC, dated 05.02.2009, full exemption for payment of Net Present Value for underground laying of Optical Fibre Cable has been allowed for areas falling in forest areas but this exemption not allowed for National Park and Sanctuaries

Hence payment of NPV has been insisted as per Government of India guidelines.

11) State Government may accord diversion of forest land less than one hectare in each case for non forestry purposes under the Forest (Conservation) Act, 1980, for creation of critical development and security related infrastructure of Government Departments under the general approval of Section 2 of Forest (Conservation) Act, 1980 guidelines

As per above Government of India guidelines, general approval is accorded for Government managed welfare works and works in forest area only. Since the user agency is an private agency, approval from Government of India is required for the forest area diversion.

12) Hence the proposal received from the M/s Reliance Jio Infocomm Limited Chennai for laying of underground Optical Fiber Cable from Theppakkadu to Moyar via Masinagudi passing through Mudumalai Tiger Reserve-Core zone in Nilgiris District seeking approval under Section 2 of Forest (Conservation) Act, 1980 and recommendation made by the Deputy Director / Additional Principal Chief Conservator of Forests & Field Director, Mudumalai Tiger Reserve, Udagai, is furnished to the Government for obtaining orders from the Government of India.

13) The Proposal furnished by M/s Reliance Jio Infocomm Limited has been recommended with the following conditions in addition to the conditions imposed by the Deputy Director, Mudumalai Tiger Reserve, Masinagudi.

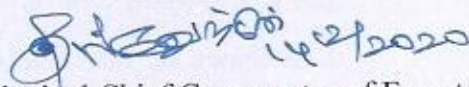
- i) The User Agency has to pay the Net Present Value of the forest land as per the rate fixed by the Supreme Court of India.
- ii) The User Agency has to pay the lease rent, as fixed by the Forest Department at the time of sanction along with any escalation for the forest land to be diverted, to the Additional Principal Chief Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagai.
- iii) The period of diversion is for 20 years. For the maintenance of OFC line by the User Agency, they have to seek written permission from the Additional Principal Chief Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagai. The User Agency has to make good use of land after use/maintenance.
- iv) A caution deposit of Rs. 2000/- per Km in the form of a bank guarantee in favour of the Deputy Director may be collected from the User Agency and this amount will be released after the work period is over with due compliance of the conditions and without causing any damage to the existing flora and fauna and natural surroundings and as satisfied by the Field Director.
- v) 5% of the cost of the project proportionate to the distance located within the Protected Area shall be remitted by the User Agency in Mudhumalai Tiger Conservation Authority for habitat improvement and wildlife conservation in the reserve area.
- vi) Payment of NPV has to be made by generating chalan in the designated web portal.
- vii) Since tiger reserve area is used by the User Agency, they shall provide free data connection to Tiger Reserve Management for the cause of conservation and protection of tigers through electronic surveillance in the form of set up box without any structural / tower component.

viii) Any other conditions stipulated by the Additional Principal Chief Conservator of Forests and Field Director, Mudumalai Tiger Reserve / Deputy Director, Mudumalai Tiger Reserve, Masinagudi in the interest of safe guarding flora and fauna in the Tiger Reserve Sanctuary.

14) The proposal is sent herewith duly recommended by the Additional Principal Chief Conservator of Forests (FCA) / Nodal Officer, Forest (Conservation) Act, 1980. I request that the proposal may be forwarded to the Government of India for obtaining concurrence for laying of underground Optical Fiber Cable from Theppakkadu to Moyar via Masinagudi passing through Mudumalai Tiger Reserve-Core zone in Nilgiris District in favour of M/s Reliance Jio Infocomm Limited, No. 89, Radhakrishnan Salai, Mylapore, Chennai - 4.

Encl: As stated above.

Yours faithfully



For Principal Chief Conservator of Forests
(Head of Department)

6/12/2020

Proposal No. FP/TN/Others/ 24406/2017.

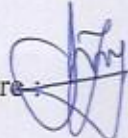
Proposal for diversion of 0.426 ha of forest land in Mudumalai Tiger Reserve for laying of Optical Fiber Cable along the Theppakkadu, Masinagudi and Moyar Road section in the Nilgiris District - Online proposal Submission by the User Agency ie., M/s Reliance Jio Infocomm Limited, No. 89, Radhakrishnan Salai, Mylapore, Chennai - 4.

PART - IV

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

17	Detailed opinion and specific recommendation of the State Forest Department for acceptance of 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 —

Signature:  11-12-20

Name, Designation :

Thiru. S. Yuvaraj, I.F.S.,
Principal Chief Conservator of Forests
(Head of Department) and
Additional Principal Chief Conservator of Forests
(Forest Conservation Act) (i/c),
O/o the PCCF (Head of Department) Chennai -15

Date : 11-12-2020

Place : Chennai-15