

TAMILNADU FOREST DEPARTMENT

From

To

Dr. H. Basuvaraju, I.F.S.,
Principal Chief Conservator of Forests,
(Head of Department-FAC)
Panagal Maaligai, Saidapet,
Chennai - 15.

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

C. No. TS3/14309/2016 Dated: 04.05.2017.

Sir,

Sub: Forest (Conservation) Act, 1980 - Laying underground Optical Fiber Cable along admitted right of way road from Kakkanalla to Thorapalli (Km 0/0 to km 15/910) passing through Mudhumalai Tiger Reserve-Core area in Nilgiris District - Seeking approval under Section 2 of the Forest (Conservation) Act, 1980 - Online proposal furnished by 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/17714/2016, dated 28.04.2016 and additional details uploaded on 06.08.2016.

2. Principal Chief Conservator of Forests letter No. TS3/14309/2016 dated 23.05.2016, 07.09.2016, 23.11.2016 & 25.01.2017

3. Part II of Form A uploaded by the Deputy Director, Mudhumalai Tiger Reserve, Udagamandalam on 25.11.2016.

4. Part III of Form A uploaded by the Chief Conservator of Forests and Field Director, Mudhumalai Tiger Reserve, Udagamandalam on 25.11.2016

1) M/s Reliance Jio Infocomm Limited, Chennai has submitted on line proposal for seeking Right of Way permission for laying of underground Optical Fiber Cable network from Kakkanalla to Thorapalli (Km 0/0 to km 15/910) passing through Mudhumalai Tiger Reserve-Core zone in Nilgiris District under Section 2 of Forest (Conservation) Act, 1980.

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 0.71595 ha., or 0.72 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 to a length of 15.91 km, forest area requirement is 0.72 ha. ($15910\text{m length} \times 0.45\text{m width} = 7159.5 \text{ sq.m} - 0.71595 \text{ ha}$ (OR) 0.72 ha)

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 0.45m 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 has been furnished on 06.08.2016 through online.

Proposal furnished by the User Agency will be processed under Wildlife Clearance online portal.

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, 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) The User Agency agrees to pay the cost along with any escalation for exploitation of trees in forest land to be diverted to the project.

i) 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.

j) The User Agency has certified that the diversion of land is 0.72 ha only, hence no compensatory afforestation of forest land is proposed.

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

a) Area of forest land proposed for diversion/use is at 0.72 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 letter No. 1-14/11, dated 31.12.2014.

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) It has been reported that, it is a linear kind of project crossing the boundary of Mudumalai Tiger Reserve at both ends.

g) 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)

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

iv) Mudumalai Tiger Reserve supports a wide spectrum of fauna including Tiger, Panther, Elephants, Wild dog, Gaur, Spotted Deer, Sambar, Sloth bear, Hyena etc and the area contains mostly dry deciduous forests (flora).

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

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

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

k) The Deputy Director has reported that, Compensatory Afforestation need not be insisted as the area of proposed diversion/usage is less than 1.00 Hectares.

l) The Deputy Director has recommended the proposal and stated 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 and the trench is aligned in the edge (berm portion along the black topped road) with in the right of way admitted and where no felling of trees are involved. The said portion will be restored to its original surface.

In the recommendation report and site inspection report, the Deputy Director, Mudhumalai Tiger Reserve, Udagamandalam has reported that, the project area falls within the core area of Mudhumalai Tiger Reserve in Mudhumalai Kumbarakoli Reserved Forests notified during 1929 and necessary right of way has been permitted in the RF notification for the use of the road by the public. The proposed stretch over a length of about 15.91 km (from 0/0 to 15/910) ie., from

Kakkanalla check post at Karnataka/Tamil Nadu Border to Torapalli check post towards Gudalur.

The work involves of a narrow trench to a top width of 450mm and bottom width of 300mm, with a height of 1650mm 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 with in the right of way admitted and where no felling of tree is 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 0.72 ha. The User Agency has furnished undertaking to the effect that, there will be no cutting of tree involved in the project and to pay the Net Present Value to be 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 with the following conditions other than the usual terms and conditions and special conditions stipulated by the Government of India.

1. 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 so as to ensure compliance of all conditions in the permission if accorded.
2. 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.
3. 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.

4) In Part-III of the proposal, the Chief Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagai has stated that proposal has been recommended in view of the following reason.

The Chief Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagai has reported that the area of the proposed project site has been inspected on 25.11.2016. The Project area falls within the Core zone of Mudumalai Tiger Reserve in Mudumalai Kumbarakoli Reserved Forests. Necessary right of way has been permitted for the use of the road by the public. The proposed project stretch over a length of about 15.91 km (from km 0/0 to km 15/91) ie., from Kakkanalla Check post at Karnataka-Tamilnadu State Border (at N 11° 37' 03.16" and E76° 35' 30.13") to Thorapalli Check post towards Gudalur (at N 11° 32' 01.24" and E76° 31' 33.78").

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 05.10.2015. 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 will be restored to its original surface. Hence recommended.

5) 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.

6) 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.

7) Proposal for diversion/usage of forest land for laying of OFC has been requested by the User Agency for 20 years. Forest area diversion has been recommended for 0.5 years by the Deputy Director and Chief Conservator of Forests and Field Director, Mudhumalai Tiger Reserve, Udagamandalam.

Laying of Optical Fiber Cable work in the forest area work along the road side may be completed within 6 months period. But usage of cable work may be extended for further period. Since the cable which is laid is permanent feature and the agency may have to be permitted for any maintenance etc., at a later stage. Hence the diversion/usage of forest land has been recommended for 20 years as recommended in similar type of OFC laying works already recommended for Defence Services in the same Mudumalai Tiger Reserve area.

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.

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 subject to the following condition.

Pending receipt of recommendation of Standing Committee of NBWL and prior leave of the Supreme Court, State Governments may receive and process proposal seeking prior approval of central Government under the FC Act for use of

forest land for non forest purpose in protected areas on merit of each case and forward the same to the Central Government.

Hence the proposal received from the M/s Reliance Jio Infocomm Limited is forwarded pending receipt of approval from the NBWL and prior leave of Supreme Court of India to be obtained by the User Agency.

9) The Proposal furnished by M/s Reliance Jio Infocomm Limited has been recommended with the following conditions.

- 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 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 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) Since tiger reserve area is used by the User Agency, they shall provide free data connection to Tiger Reserve Management for the cause of

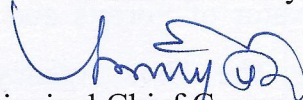
conservation and protection of tigers through electronic surveillance in the form of set up box without any structural / tower component.

- vii) Any other conditions stipulated by the Chief Conservator of Forests and Field Director, Mudumalai Tiger Reserve in the interest of safe guarding flora and fauna in the Tiger Reserve Sanctuary.

10) The proposal is sent herewith duly recommended by the Principal Chief Conservator of Forests (FCA) / Nodal Officer, Forest (Conservation) Act, 1980. I request that the proposal may kindly be forwarded to the Government of India for obtaining concurrence for laying underground Optical Fiber Cable ~~along~~ from Kakkanalla to Thorapalli (Km 0/0 to km 15/910) for defence services 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 early.

Encl: As stated above.

Yours faithfully



For Principal Chief Conservator of Forests
(Head of Department-FAC)

12/05/2017

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12/5/17

Proposal No. FP/TN/Others/17714/2016, dated 28.04.2016

Laying underground Optical Fibre Cable along admitted right of way road from Kakkanalla to Thorapalli (Km 0/0 to km 15/910) passing through Mudhumalai Tiger Reserve-Core area in Nilgiris District - Online application uploaded by the User Agency - 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 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)

The proposal for laying optical fibre cable along the road for 1.5910m in the core area of Mudhumalai Tiger Reserve is for public purpose to establish communication link and is duly recommended by field officer and recommended subject to obtaining permissions as required under law.

Signature :

Name Designation

P. C. Thyagaraj
3/5/17
P. C. Thyagaraj, P.F.S.,
Principal Chief Conservator of Forests
(Forest Conservation Act)
Chennai - 600 015.

Date : 3/5/17

Place: CHENNAI

