

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ

ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003

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E-83221

Dated: 10-06-2019

Old File No: A5(4).GFL.CR.2/2017-18

E-office File No : KFD/HoFF/A5-4(GFL)/29/2019-FC

(3 sets proposal enclosed)

To,

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

Sir,

Sub: Diversion of 0.9215 hectare of forest land in various survey numbers of Chikkalindadhalli, Yakathapur, Chindanur, Shadipur, Lachamsagara, Linganagar, Anthawaram, Mumbapur & Venktapura villages, Kasaba Hobli, Chincholi Taluk, Kalburgi District for laying of Optical Fibre Cable (OFC) under Central Government National Optic Fibre Network (NOFN) Project (Digital India) for providing Broadband connections and other Telecom facilities in favour of Divisional Engineer, Bharat Sanchar Nigam Limited, Kalburgi-Reg. **Proposal No. FP/KA/OTHERS/25957/2017**

- Ref:**
- 1) Online Proposal dated 15-06-2018 (re-submitted) of the Divisional Engineer, Optical Fibre Cable, P&T Quarters, Remote Station Unit, Jewargi Road, Kalaburgi r/w uploading of 'Acknowledgement' on 28-08-2018 for having delivered the hard copies of proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner.
 - 2) This office online communication dated 03-09-2018 to Deputy Conservator of Forests, Kalburgi Division, Kalburgi [for further processing].
 - 3) Online submission of PART-II by Deputy Conservator of Forests, Kalburgi Division on 07-03-2019 r/w reply dated 14-03-2019 to the EDS query of Circle Office [DCF, Kalburgi Division letter No. Survey/Chincholi WL/ FC/OFC/BSNL/KLB/CR-9/2018-19 dated 19-3-2019].
 - 4) Online submission of PART-III by Chief Conservator of Forests, Kalaburgi Circle on 27-03-2019 [CCF, Kalburgi Circle, Kalaburgi letter No.A4/CCF/FL/D/Chincholi/CR-18/2018-19 dated 26-03-2019].

1. Divisional Engineer (Optical Fibre Cable), Bharat Sanchar Nigam Limited, Jewargi Road, Kalaburgi [USER AGENCY] vide Ref (1) has submitted an online proposal [FORM-A, PART-I] through FC Web Portal seeking prior approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.9215 hectare of forest land in various survey numbers of Chikkalindadhalli, Yakathapur, Chindanur, Shadipur, Lachamsagara, Lingannagar, Anthawaram, Mumbapur & Venktapura villages, Kasaba Hobli, Chincholi Taluk, Kalburgi District for laying of Optical Fibre Cable (OFC) under Central Government National Optic Fibre Network (NOFN) Project (Digital India) for providing Broadband connections and other Telecom facilities. After acceptance of the proposal by Nodal Officer for further processing, the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Kalburgi Division & Deputy Commissioner, Kalburgi District and uploaded the 'Acknowledgment' on FC web portal. Accordingly, an online communication was made by Nodal Officer vide Ref (2) to the Deputy Conservator of Forests, Kalburgi Division for further processing of the proposal under FC Act.

2. **Location and Component wise breakup:** The location details and a component wise breakup of the forest land required for the project are given below.

Name of the District, Taluk & Hobli		Village and Sy No. details	Comp- onent	Length of trench (m)	Width of trench (m)	Extent of Forest Land (ha)	Legal Status of Land
1	Kalburgi District, Chincholi Taluk, Kasaba Hobli	Anthawaram Sy No.50	Under Ground	2094.3 2	0.5	0.1047	Reserved Forest
2		Chikkalingadalli Sy No.92	Optical Fiber Cable	2613.0 1		0.1306	
3		Yakathapura Sy No.4		2945.2 7		0.1472	
4		Chindanur Sy No.22		520.79		0.026	KFA Sec-4 Notified Forest
5		Chindanur Sy No.36		422.21		0.0211	
6		Chindanur Sy No.47/1		525.01		0.0262	
7		Lachamasagara Sy No.50		1061.2 4		0.053	Reserved Forest
8		Lachamasagara Sy No.63		947.29		0.0473	
9		Lachamasagara Sy No.70		750.34		0.0375	
10		Mumbapura Sy No.32		908.89		0.0454	Unclassed Forest
11		Venktapura Sy No.124		1430.8 7		0.0715	
12		Venktapura Sy No.39		688.71		0.0344	
13		Venktapura Sy No.48/1		1640.4		0.0823	Reserved Forest
14		Shadipur Sy No.123/1,124		1139.4 2		0.0569	
15		Linganagara Sy No.19,63		748.39		0.0374	
Total						0.9215	


3. **DCF, Kalburgi Report:** The Deputy Conservator of Forests, Kalburgi Division, Kalburgi has inspected the site on 18-09-2018 and vide Ref (3) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Kalburgi Circle. The main features of the proposal based on DCF Report r/w the reports of CCF Kalaburgi Circle and that of ICT Centre of Forest Department are summarized below.
- a. The forest land proposed for diversion is in general landscape of Eco- class-III and has 0.40 canopy cover.
 - b. The forest land proposed for diversion is not vulnerable to soil erosion, as laying of OFC would be carried out by Hydraulic Drilling method.
 - c. As per Item 4(ii) of PART-II, there are no trees to be felled for laying of OFC.
 - d. Major wild animals present in and around the area include Chinkara, Sambar, Spotted deer, Barking deer, Hyena, Wild Boar, Indian Jackal, Fox, Porcupine and Civet Cat.
 - e. There are no other rare / endangered / unique species of flora and fauna in the proposed area.
 - f. There are no Protected / Archaeological / Heritage Sites or Defence Establishments or important monuments in the area.
 - g. The forest area forms part of **Chincholi Wildlife Sanctuary**.
 - 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.
4. **CCF, Kalburgi Circle Report:** The Chief Conservator of Forests, Kalburgi Circle has inspected the site on 24-03-2019 and has recommended the proposal. Specific comments of the Chief Conservator of Forests, Kalburgi Circle are mentioned in PART-III of the proposal cited at reference (4) above.
5. **Compensatory Afforestation (CA):** The latest FC Guidelines communicated by Government of India vide letter F. No. 5-2/2017-FC dated 28-03-2019 are silent on the matter whether the FC proposals involving diversion of forest land up to one hectare require CA land or not. However, as per para 3.2 (viii)(b) of the GOI FC Guidelines in vogue earlier, no compensatory afforestation land is to be insisted upon if the forest land proposed for diversion is up to one hectare. **Accordingly, the proposal may be exempted from CA requirement. In present case, there is no tree felling involved. However, the User Agency will have to make payment in accordance with the letter No.A5(3).GFL.CR-28/2009-10 dated 24-05-2018 of the PCCF (HOFF), in case any tree felling is required during execution of the project.**
6. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) for 0.9215 hectare of forest land proposed for diversion as per Orders dated 28-3-2008 and 9-5-2008 of the Hon'ble Supreme Court of India in I.A.No.826 in I.A.566 in WP(C) No. 202/1995 and the Government of India, FC Guidelines issued vide F.No. 5-3/2007-FC dated 05-02-2009 at the rates applicable to Wildlife Sanctuaries. **The User Agency has submitted an 'Undertaking' to pay the Net Present Value.**
7. **Wildlife Sanctuary:** The proposed OFC project passes through Chincholi Wildlife Sanctuary and hence the proposal needs wildlife clearance approval of the State Board for Wildlife (SBWL) under para 4.2 of the FC guidelines communicated by the Government of India vide letter F. No. 5-2/2017 dated 28-03-2019. The User Agency has not submitted any such clearance so far. **The User Agency has been informed in this regard already and is being reminded to obtain the same.**

8. **RoFR Certificate:** The User Agency is required to submit the Certificate of compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules 2008 issued by the jurisdictional Deputy Commissioner in **FORM-II (Linear projects)** as per the recent FC Guidelines communicated by Government of India vide letter F.No. 5-2/2017-FC dated 28-03-2019. The User Agency has not submitted the required certificate so far and, therefore, it is being informed to obtain and submit the same.

Under the above circumstances and agreeing with the recommendation of the field officers and also because the proposed OFC is to be laid along the road, it is requested to consider the proposal for Stage-I (in-principle) approval under Section 2 of the Forest (Conservation) Act, 1980/^{Under} para 4.3(c) of the FC guidelines communicated by the Government of India vide letter F. No. 5-2/2017 dated 28-03-2019 subject to approval by the SBWL for diversion of 0.9215 hectare of forest land in various survey numbers of Chikkalindadhalli, Yakathapur, Chindanur, Shadipur, Lachamsagara, Lingannagar, Anthawaram, Mumbapur & Venktapura villages, Kasaba Hobli, Chincholi Taluk, Kalburgi District for laying of Optical Fibre Cable (OFC) under Central Government National Optic Fibre Network (NOFN) Project (Digital India) for providing Broadband connections and other Telecom facilities in favour of Divisional Engineer, Bharat Sanchar Nigam Limited, Kalaburgi for a period of 20 years, subject to the conditions appended in Annexure 'A' and consent from the concerned road authority for laying OFC along the road.


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,



Principal Chief Conservator of Forests
(Head of Forest Force)

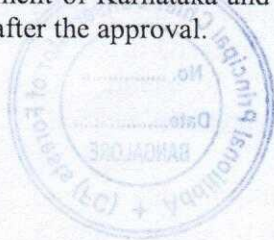
1. Copy to the Chief Conservator of Forests, Kalaburgi Circle, Kalburgi for information and necessary action.
2. Copy to the Deputy Conservator of Forests, Kalburgi Division, Kalburgi for information and necessary action.
3. Copy to the Divisional Engineer, Optical Fibre Cable, P&T Quarters, Remote Station Unit, Jewargi Road, Kalaburgi for information. It is requested to obtain the wildlife clearance for the proposal and consent from the concerned road authority for laying the OFC along the road. It is further requested to obtain and submit the RoFR compliance certificate (in original) to Circle Office marking attested copies (3 sets) to this office as mentioned above at an early date.



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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 (at five times), Cost of mitigation measure, land lease rent and any other levies as per the conditions of approval.
3. The User Agency shall provide for Display Boards of specified dimensions and material at project cost for creating awareness on forest and wildlife limits in consultation with the jurisdictional Deputy Conservator of Forests.
4. The User Agency shall demarcate the lease area in the manner specified at the time of approval at its own cost.
5. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
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.




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>(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).</p>	<p>Recommended for diversion of 0.9215 hectare of forest land in various survey numbers of Chikkalindadhalli, Yakathapur, Chindanur, Shadipur, Lachamsagara, Lingannagar, Anthawaram, Mumbapur & Venktapura villages, Kasaba Hobli, Chincholi Taluk, Kalburgi District for laying of Optical Fibre Cable (OFC) under Central Government National Optic Fibre Network (NOFN) Project (Digital India) for providing Broadband connections and other Telecom facilities in favour of Divisional Engineer, Bharat Sanchar Nigam Limited, Kalaburgi for a period of 20 years, subject to the conditions appended in Annexure 'A', wildlife clearance and NOC from the road authority for laying OFC along the road.</p> <p>Proposal No. FP/KA/OTHERS/25957/2017</p>
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Signature:



Name:

(JAGMOHAN SHARMA IFS)

Designation:

**Additional Principal Chief Conservator of Forests
(Forest Conservation) and Nodal Office (FCA)**

(Official Seal)

Countersigned by :



Name:

(PUNATI SRIDHAR IFS)

Designation:

**Principal Chief Conservator of Forests
(Head of Forest Force), Bengaluru**

(Official Seal)

N.D.O. No: 04 /2019-20

Date: 18-05-2019
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