

By online / email

TAMILNADU FOREST DEPARTMENT

From

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

To

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

C. No. TS3/37892/2019 Dated: 09.11.2020.

Sir,

Sub: Forest (Conservation) Act, 1980 – Dharmapuri Circle / Hosur Forest Division - - Proposal for diversion of 0.312 ha of forest land in Cauvery North Wildlife Sanctuary area for laying of underground Optical Fiber Cable along the road side of Dharmapuri-Anchetty road passing through Panai RF and Noganur RF in Hosur Wildlife Division, Hosur in the Krishnagiri District in favour of M/s Reliance Jio Infocomm Limited, Mylapore, Chennai – 4 - 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/30208/2017, dated 11.11.2017 and resubmission of proposal on 12.06.2018 & 01.08.2019

3. Part-II of Form-A uploaded by the Wildlife Warden, Hosur Division

4. Part-III of Form-A uploaded by the Additional Principal Chief Conservator of Forests, Dharmapuri Circle

1) I wish to inform that, M/s Reliance Jio Infocomm Limited, No. 89, Radhakrishnan Salai, Mylapore, Chennai - 4 has uploaded online application under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.312 ha of forest land in Cauvery North Wildlife Sanctuary area for laying of underground Optical Fiber Cable along the road side of Dharmapuri-Anchetty road passing through Panai RF and Noganur RF in Hosur Wildlife Division, Hosur in the Krishnagiri District

i) In the short narrative of the proposal for which forest land is required, the User Agency has reported that diversion of forest land is required for laying of underground OFC for Anchetty to Denkanikottai route.

ii) Diversion of 0.312 ha of forest has been requested in Hosur Wildlife Division area in Krishnagiri District. Name of the village reported as Panai village and RF for 0.27 ha and Naganoor village and RF for 0.042 ha. Forest area diversion has been requested in Panai and Naganoor Reserved Forests.

iii) Location map of the forest land proposed to be diverted in kml file of google earth, Scanned copy of Survey of India topo sheet indicating the boundary of forest land proposed to be diverted, Scanned copy of Geo referenced location map has been furnished.

iv) The user agency has proposed forest area diversion for laying of underground Optical Fibre Cable along the Anchetty-Denkanikottai State Highway which is passing through the Panai RF to a length of 9.00km with 0.30m width (Area 0.27 ha) and Naganoor RFs to a length of 1.40km with 0.30m width (Area 0.042 ha) Total area 0.312 ha- 10.40km length).

v) The User Agency has stated that this project does not involve displacement of people due to the project and not requires clearance under the Environment (Protection) Act, 1986.

vi) The user agency has stated that the project or part thereof is not located in any protected area or their Eco sensitive zone.

vii) The User Agency has furnished the certificate issued by the District Collector, Krishnagiri District about completion of process for settlement of rights under Forest Rights Act, 2006 on the forest land proposed for diversion in Ref. No. 1954/2018/H1, dated 06.07.2019

viii) The user agency has furnished following certificates/ undertakings/ details under additional Information details section.

a) Certified that, there is no work in violation of Forest (Conservation) Act, 1980 has been carried out in the project area.

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

c) Undertaking to pay the Net Present Value of forest land required for the project.

d) Undertaking to pay the additional amount of Net Present Value of forest land demanded subsequently.

e) To bear the cost of raising and maintenance of compensatory afforestation and or penal compensatory afforestation as well as cost of protection of plantation as per the scheme prepared by the Government of Tamil Nadu in lieu of RF land diverted for the project and to deposit additional amount if any suggested as amended owing to change in planting technique, enhancement in FSR etc.,

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 the trees to be removed if any available in the alignment path.

h) Undertaking to lay the lease rent as fixed by the Forest Department at the time of sanction along with any escalation for the subsequent years.

i) Certificate obtained from the District Collector, Krishnagiri about non-availability of non-forest land for the project in Roc 1954/2018/H1, dated 06.07.2019

j) Area requirement for the project reported as 10400m length and 0.30m width ie., 3120 sq.m or 0.312 ha - Panai RF to a length of 9.00km with 0.30m width (Area 0.27 ha) and Naganoor RFs to a length of 1.40km with 0.30m width (Area 0.042 ha) Total area 0.312 ha- 10.40km length).

2) The proposal was forwarded to the Wildlife Warden, Hosur Division through online on 26.09.2019 for necessary follow up action.

The Wildlife Warden, Hosur Division has forwarded the proposal along with Site Inspection report and recommendation of the proposal to the Circle head on 06.05.2020. The Conservator of Forests, Dharmapuri Circle has forwarded the proposal along with recommendation of the proposal to the Nodal Officer on 24.09.2020. Hard copy of the proposal has also been furnished.

3) Details furnished in the Part-II of Form A by the Wildlife Warden, Hosur Division is furnished below.

i) The legal status of the proposed site of diversion of 0.312 ha of forest land requested for the project is Reserved Forests.

As per the site inspection report and recommendation of the project uploaded by the Wildlife Warden, Hosur Division, name of the forest land reported as "Noganur RF for 0.042 ha area and Panai RF for 0.270 ha.

ii) The Wildlife Warden has reported that, density of the forest area is 0.4 and Eco class of forest area is three.

iii) In the Part-II of Form-A, the Wildlife Warden has reported that species wise and girth class wise enumeration of trees in the area is NIL.

iv) On vulnerability of the forest land proposed for diversion, the Wildlife Warden has reported that it is a linear project along the existing road side without having to change the landscape profile, hence no soil to be eroded..

v) The Wildlife Warden has reported that an area of 0.042 ha in Noganur RF does not comes under the Sanctuary area and an area of 0.27 ha in Panai RF is part of Cauvery North Wildlife Sanctuary. Noganur RF is located at a distance of 6.30 km away from the Cauvery North Wildlife Sanctuary and this RF does not come under Eco Sensitive Zone of Cauvery North Wildlife Sanctuary notified on 01.01.2020.

Details and impact of project on such areas reported as the proposed alignment passing through 0.042 ha of Noganur RF of Non-sanctuary area and 0.270 ha in Panai RF in Sanctuary area. The project involves laying of OFC by digging shallow pit to depth of 2 feet the activity is one time works which would not have any impact on forest or wildlife.

Details of wildlife present in and around the forest land proposed for diversion reported as Elephant, Indian hare, Spotted deer, Indian guar, Pea fowl etc., and rare/ endangered/ unique species of flora and fauna found in the area.

vi) There is no protected archaeological/ heritage site/ defense establishment or any other important monument is located in the area.

vii) Requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project and no work in violation of the Act or guidelines has been carried out.

viii) Forest area proposed for diversion is 0.312 ha and there is no felling of trees involved. Hence the Wildlife Warden, Hosur Division has not insisted any compensatory afforestation scheme.

As per Forest Conservation Act, 1980 guidelines under special provisions for CA for certain categories of schemes, CA shall be raised and maintained at the cost of user agency on degraded forest land twice in extent of forest area diverted for laying of telephone/optical fibre cable.

Since the forest area proposed for diversion is 0.312 ha and there is no tree felling involved in the project area, and forest area proposed for diversion is within 1 hectare area the Wildlife Warden has not insisted any compensatory afforestation scheme.

ix) In the site inspection report and recommendation of the project, the District Forest Officer has stated that, site inspection carried out on 08.04.2020. This proposal is for diversion under FC Act 1980 for laying underground OFC to improve communication networking 4G facility to an extent of 0.312 ha is a linear project and it is proposed along the stretches of Anchetty-Denkanikottai State Highways, which is passing through Noganur RF and Panai RF. The proposed alignment passing through Panai RF is part of Cauvery North Wildlife Sanctuary. The proposed alignment of the laying OFC is along the side of the already existing black topped road from Anchetty-Denkanikottai. The OFC is proposed to be laid underground alongside of the road by way of digging trench of size 0.30m width and 0.60m depth. The trench is proposed to be dug at a distance of approximately 1.00 to 2.00m away from the existing black topped road. The alignment of the proposed OFC does not lead to any felling of trees or disturbances to the landscape and there would be no disturbance to wild animals.

x) In the specific recommendation, the Wildlife Warden, Hosur Division has stated that enabling 4G connectivity through forest will help the forest department as there are plans to erect CCTV camera at the entry and exit point of the forest roads to enable monitoring of movement of traffic through live streaming using internet connectivity. Under the above circumstances the Wildlife Warden has recommended the proposal for seeking diversion of forest land.

4) The Conservator of Forests, Dharmapuri Circle has inspected the area on 23.09.2020 and in his recommendation has stated that as per the instructions in force the user agency has to get the prior permission of the National Board of Wildlife under Wildlife Protection Act, 1972, since the forest area proposed for diversion is within the Cauvery North Wildlife sanctuary.

5) The User Agency has requested forest area diversion for a period of 99 years. The Wildlife Warden and Conservator of Forests have not specified the period of diversion recommended for the project.

For laying of underground Optical Fiber Cable work in the forest area, diversion of forest land has been recommended for 20 years as recommended for other OFC projects including the user agency proposal of OFC work in the Mudumalai Tiger Reserve area in Nilgiris District

6) 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.

i) Pending receipt of recommendation of Standing Committee of NBWL and prior leave of the Supreme Court, State Governments may receive and process proposals 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.

ii) In case the entire forest land indicated in a proposal is located within one or more Protected Areas, the Central Government will refer such proposal, which is complete in all respect, along with site inspection report, wherever required to the Forest Advisory Committee (FAC) only after use of such forest land for non-forest purpose has been recommended by the Standing Committee of the NBWL. The

FAC will examine such proposals and make appropriate recommendations on merit of each case. In case, FAC decides to recommend grant of approval under the FC Act for diversion of the whole or part of such forest land, approval of the competent authority to accept such recommendation will be sought only after prior leave of Supreme Court for use of forest land for non forestry purpose is obtained by the concerned User Agency.

Hence the proposal received from the M/s Reliance Jio Infocomm Limited for forest clearance has been recommended to the Government pending receipt of approval from the NBWL and prior leave of Supreme Court of India to be obtained by the User Agency.

7) 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.

Part of the proposal area falls in Cauvery North Wildlife Sanctuary area. Hence this project requires approval from the Government of India.

8) 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

Part of the area is falling under Sanctuary area, hence payment of NPV may be insisted as per Government of India guidelines.

9) 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. Forest areas falling under National Park and Wildlife Sanctuaries are not covered under general approval category. Any forest land diversion in National Park and Wildlife Sanctuary requires clearance from National Board for Wildlife besides orders from the Supreme Court of India.

10) Based on the recommendation made by the Wildlife Warden, Hosur and Conservator of Forests, Dharmapuri Circle, proposal received from the M/s Reliance Jio Infocomm Limited Chennai for diversion of 0.312 ha of forest land in Hosur Wildlife Division for laying of underground Optical Fiber Cable along Anchetty-Denkanikottai route in Krishnagiri District seeking approval under Section 2 of Forest (Conservation) Act, 1980 is forwarded to the Government for obtaining orders from the Government of India subject to the following conditions.

- a) The legal status of the diverted forest land remains unchanged.
- b) The demarcation of the proposed forest land shall be carried out by the User Agency by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters at their cost.
- c) The User Agency has to pay the amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India.
- d) The User Agency has to bear the additional amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India as fixed by Forest Department in future.
- e) The user agency shall compulsorily transfer the Compensatory Afforestation scheme cost and Net present Value of forest land proposed for diversion under the project to CAMPA funds only through e-portal (<https://parivesh.nic.in/>)
- f) The User Agency has to pay the cost towards lease rent for the forest area diversion period as fixed by the Forest Department at the time of sanction along with any escalation for the forest land to be diverted of the above project in future for the entire project period.
- g) The total forest area utilized for the project shall not exceeds 0.312 ha for laying Optical Fibre Cable to a length of 9000m with a width of 0.30 m in Panai RF and

1400m length and 0.30m width in Noganur RF along the road side of existing Anchetty- Denkanikottai road.

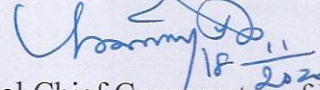
h) Period of lease can be twenty (20) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

i) The user agency has to obtain orders from the National Board for Wildlife/ State Board for Wildlife before commencement of the project under Wildlife Protection Act, 1972

11) The proposal is sent herewith duly recommended by the Principal Chief Conservator of Forests (Head of Department) and Additional Principal Chief Conservator of Forests (FCA) (i/c) / Nodal Officer, Forest (Conservation) Act, 1980. I request that the proposal may kindly be forwarded to the Government of India for obtaining concurrence for diversion of 0.312 ha of forest land in Cauvery North Wildlife Sanctuary area for laying of underground Optical Fiber Cable along the road side of Dharmapuri-Anchetty road passing through Panai RF and Noganur RF in Hosur Wildlife Division, Hosur in the Krishnagiri District

Encl: As stated above.

Yours faithfully



For Principal Chief Conservator of Forests
(Head of Department)

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18/11/2020

Proposal No. FP/TN/Others/30208/2017.

Proposal for diversion of 0.312 ha of forest land in Cauvery North Wildlife Sanctuary area for laying of underground Optical Fiber Cable along the road side of Dharmapuri-Anchetty road passing through Panai RF and Noganur RF in Hosur Wildlife Division, Hosur in the Krishnagiri District in favour of 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 :

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 : 09-10-2020

Place : Chennai-15