

I/653526/2024

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿOffice of
Principal Chief Conservator of
Forests
(Head of Forest Force)ಕರ್ನಾಟಕ
ಅರಣ್ಯ
ಇಲಾಖೆಅರಣ್ಯ ಭವನ, 18 ನೇ ಅಡ್ಡರಸ್ತೆ,
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು- 560003
AranyaBhavan, 18th Cross
Malleshwaram, Bengaluru-560 003
Telephone : 080 2334 6472
Email : apccffc@gmail.com

E-office File No. KFD/HOFF/A5 2 K(GFL)/29/2021-FC

E- 561447

Date: 05-08-2024

12

To,

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

Sir,

Sub: Diversion of 0.448442 ha of forest land in Sy No. 155, of Atthigere Village, and Sy No. 104, of Taruve village, Banakal Hobli, and Sy No. 157, 156 and 155 of Baluru Village, and Baluru Hobli and Sy No. 105 of Hoysalu Village, Gonibeedu Hobli and Mudigere Taluk, Chikkamagaluru District for laying of Jio Optical Fiber Cable along the road from Attigere-Gonibeedu-Chinniga Mudigere Taluk, Chikkamagaluru District in favour of Deputy General Manager (DGM), Jio Digital Fibre Private Limited, No. 51, RMZ Icon, Palace Cross Road, Vasanth Nagara, Bengaluru-560 052.

Proposal No. FP/KA/OFC/146650/2021

- Ref:**
1. Online proposal [FORM-A PART-I] dated 09/06/2022 (re submitted) of the Deputy General Manager (DGM), Jio Digital Fibre Private Limited, No. 51, RMZ Icon, Palace Cross Road, Vasanth Nagara, Bengaluru.
 2. Online submission of PART-II by Deputy Conservator of Forests, Chikkamagaluru Division on 29-11-2022.
 3. Online submission of PART-III by Chief Conservator of Forests, Chikkamagaluru Circle on 07-06-2024.

1. The Deputy General Manager (DGM), Jio Digital Fibre Private Limited, No. 51, RMZ Icon, Palace Cross Road, Vasanth Nagara, Bengaluru [USER AGENCY] vide Ref (1) has resubmitted an online proposal [FORM-A PART-I] through FC web portal seeking approval under section 2 of the VSES Adhiniyam 1980 & VSES Rules 2023 for diversion of 0.448442 ha of forest land Sy No. 155, of Atthigere Village, and Sy No. 104, of Taruve village, Banakal Hobli, and Sy No. 157, 156 and 155 of Baluru Village, and Baluru Hobli and Sy No. 105 of Hoysalu Village, Gonibeedu Hobli and Mudigere Taluk, Chikkamagaluru District for laying of Jio Optical Fiber Cable along the road from Attigere-Gonibeedu-Chinniga Mudigere Taluk, Chikkamagaluru District.

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2. Location details and Component-wise breakup of forest land requirement:

The details of the location of forest land and component wise requirement are given below.

District, Taluk,	Village, Hobli	Sy. No.	Forest extent proposed for diversion (ha)	Legal status of land
Chikkamagaluru District, & Mudigere Taluk	Atthigere village Banakal Hobli	155	0.03005	Baluru Reserve Forest
	Taruve village Banakal Hobli	104	0.295504	Deemed thickly wooded Area
	Baluru village Baluru Hobli	155 156&157	0.058438	Baluru Reserve Forest
	Hoisalalu village Gonibeedu Hobli	105	0.064	Mudre Mane Teek Reserve & Sec-4 proposed forest area
Total			0.448 ha	

Component wise breakup of the forest land proposed for diversion is given below.

Name of Project component		Forest extent proposed for diversion (ha)
1	Under Ground Optical Fiber Cable	0.448442
Total		0.448442

1. Report of DCF, Chikkamagaluru Division: The Deputy Conservator of Forests, Chikkamagaluru Division has inspected the proposed area on 29-10-2022 and vide Ref (2) has submitted his Site Inspection Report along with recommendation in PART-II to the Chief Conservator of Forests, Chikkamagaluru Circle. Main features of the proposal based on the Deputy Conservator of Forests, Chikkamagaluru report r/w report of Chief Conservator of Forests, Chikkamagaluru Circle and that of ICT Centre of Forest Department are summarized below.

- The forest area proposed for diversion is not vulnerable to soil erosion.
- The forest land proposed for diversion is in general landscape of Eco-class-I (Tropical Wet Evergreen Forests) with a Canopy Density of up to 0.9 (Very Dense).
- As per Item 4(ii) of PART-II, there are no felling of trees on the forest land proposed for diversion.
- Main wild animals reported in and around the project area include Wild boar, Sambar, Spotted deer, Leopard, Elephant, etc.

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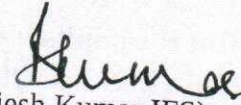
- e. There are no other rare / endangered / unique species of flora and fauna reported in and around the forest land proposed for diversion.
 - f. The forest land proposed for diversion is located within Eco-Sensitive Zone (ESZ) of the Kudremukh National Park notified under Wildlife (Protection) Act, 1972.
 - g. There are no Protected/ Archaeological/ Heritage sites or Defence establishments or important monuments in the area.
 - h. There is no violation reported under the VSES Adhiniyam, 1980.
 - i. The requirement of forest land for the project is bare minimum and unavoidable.
3. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land proposed for diversion as per para 3.1 to 3.4 of the FC guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide letter dated 29-12-2023. **The user agency has submitted an undertaking agreeing to pay the Net Present Value (NPV) of the forest land proposed for diversion.**
4. **Compensatory Afforestation (CA):** The Para 13(5)(b) of the latest Van (Sanrakshan Evam Samvardhan) Rules, 2023 mandates planting of ten times the number of trees likely to be felled (subject to a minimum of 100 plants). **As there are no trees on forest land for diversion the User Agency will have to make payment in accordance with the O.M. issued vide E-office File No. KFD/HOFF/A5-3(GFL)/34/2019-FC [E-88289] dated 22-08-2023 (or any subsequent orders) for any tree felling required for the purpose of execution of the project.**
5. **Status of RoFR compliance:** In order to meet the requirement of the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules 2008 and the FC Guidelines, the User Agency has not obtained/ furnished the (copy of) requisite **RoFR Certificate in FORM-I (for Linear projects)** issued by the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. Accordingly, **the User Agency is being informed once again to obtain the said certificate in prescribed format and submit a copy.**
6. **Wildlife Clearance:** As the proposal involves diversion of forest land passes through the ESZ of Kudremukh National Park. The User Agency will have to obtain the wildlife clearance for the proposal from the National/State Board for Wildlife. The User Agency is being informed to obtain wildlife clearance for the project from National/State Board for Wildlife.

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Under the above circumstances and agreeing with recommendation of the Deputy Conservator of Forests, Chikkamagaluru Division, it is requested to move the proposal with the Government of India, Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Bengaluru for according in-principle (Stage-I) approval under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.448442 ha of forest land Sy No. 155, of Attigere Village, and Sy No. 104, of Taruve village, Banakal Hobli, and Sy No. 157, 156 and 155 of Baluru Village, and Baluru Hobli and Sy No. 105 of Hoysalu Village, Gonibeedu Hobli and Mudigere Taluk, Chikkamagaluru District for laying of Jio Optical Fiber Cable along the road from Attigere-Gonibeedu-Chinniga Mudigere Taluk, Chikkamagaluru District for a period of Twenty (20) years subject to production of RoFR Certificate in FORM-I (for linear projects) and further subject to the conditions appended in Annexure 'A'.

As per para 9 sub rule 15 of Van (Sanrakshan Evam Samvardhan) Adhiniyam, Rules, 2023 provides for the proposal involving forest land of up to five hectares, after their examination at the level of Divisional Forest Officer to be forwarded directly to the Nodal Officer and the Nodal Officer shall forward such proposals to the State Government or Union territory Administration along with his recommendations. Accordingly, this proposal has been recommended by the PCCF (FC) & Nodal officer (FCA) for further action in the matter.

Yours faithfully



(Brijesh Kumar IFS)

Principal Chief Conservator of Forests
(Forest Conservation) and Nodal Officer (FCA)

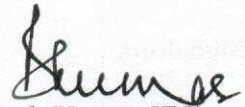
Copy to the:

1. The Chief Conservator of Forests, Chikkamagaluru circle, Chikkamagaluru and Deputy Conservator of Forests, Chikkamagaluru Division, Chikkamagaluru, for information.
2. The Deputy General Manager (DGM), Jio Digital Fibre Private Limited, No. 51, RMZ Icon, Palace Cross Road, Vasanth Nagara, Bengaluru -560 052 for information and with a request to obtain RoFR Certificate in FORM-I (for Linear projects) issued by the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019 (available on FC web portal) and submit the authenticated / attested copies at the earliest.

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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 (NPV), Compensatory, Plantation cost of extraction of trees, land lease rent and any other levies as per the conditions of approval.
3. The User Agency shall demarcate the lease area in the manner specified at the time of approval at its own cost.
4. The lessee shall not sub-lease, mortgage and hypothecate the forest area.
5. 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.
6. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
7. 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.
8. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
9. 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.
10. 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.
11. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
12. 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.
13. The approval under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is subject to any other clearances necessary under the prevailing statutes.
14. 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.


(Brijesh Kumar IFS) 7/8/2024

Principal Chief Conservator of Forests
(Forest Conservation) and Nodal Officer (FCA)

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PART – III

(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 moving the proposal to Government of India for according 'in-principle' (Stage-I) approval under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.448442 ha of forest land in Sy No. 155, of Atthigere Village, and Sy No. 104, of Taruve village, Banakal Hobli, and Sy No. 157, 156 and 155 of Baluru Village, and Baluru Hobli and Sy No. 105 of Hoysalu Village, Gonibeedu Hobli and Mudigere Taluk, Chikkamagaluru District for laying of Jio Optical Fiber Cable along the road from Attigere-Gonibeedu-Chinniga Mudigere Raluk, Chikkamagaluru District in favour of Deputy General Manager (DGM), Jio Digital Fibre Private Limited, No. 51, RMZ Icon, Palace Cross Road, Vasanth Nagara, Bengaluru- 560052 for a period of Twenty (20) years subject to production of RoFR Certificate in FORM-I (for Linear projects) and further subject to the conditions appended in Annexure 'A'.</p> <p>[Proposal No. FP/KA/OFC/146650/2021]</p>
Signature:	Signed by Brijesh Kumar
Name:	Date: 07-08-2024 19:55:09
Designation:	BRIJESH KUMAR IFS Principal Chief Conservator of Forests (Forest Conservation) and Nodal Officer (FCA)

(Official Seal):

N.D.O. No: 25/2024-25

Date: 12-08-2024