

By online / email

TAMILNADU FOREST DEPARTMENT

From

Subrat Mohapatra, I.F.S.,
Principal Chief Conservator of Forests,
(Head of Forest Force)
Forest Head Quarters Building,
Guindy-Velachery Main Road,
Guindy, Chennai - 32.

To

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

C. No. TS3/7248/2021 Dated: 25.07.2023.

Madam,

Sub: Forest (Conservation) Act, 1980 – Proposal for diversion of 0.03 ha of forest land in Durg Reserved Forest of Pakkasuranmalai area in Nilgiris Forest Division for erection of telecommunication tower in Nilgiris District in favour of M/s Reliance Jio Infocomm Limited, No. 89, Radhakrishnan Salai, Mylapore, Chennai - Forwarding of - 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/33940/2018, dated 30.05.2018 and resubmission of proposal on 15.02.2019 and 08.02.2021
- 2 Part-II of Form-A uploaded by the District Forest Officer, Nilgiris Forest Division, Udagamandalam on 09.07.2022 and resubmission of proposal on 20.04.2023 and 12.06.2023
- 3 Part-III of Form-A uploaded by the Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam on 05.09.2022 and resubmission of proposal on 21.04.2023 and 15.06.2023

I wish to inform that, M/s Reliance Jio Infocomm Limited, No. 89, Radhakrishnan Salai, Mylapore, Chennai - 4 has uploaded online forest clearance proposal under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.03 ha of forest land in Durg Reserved Forest of Pakkasuranmalai area in Nilgiris Forest Division for erection of telecommunication tower in Nilgiris District.

i) The User Agency has uploaded the proposal in the prescribed format of Form A - Part I - under Section 2 of the Forest (Conservation) Act, 1980 for diversion of fresh forest area.

ii) 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 erection of telecommunication tower at Pakkasuranmalai is proposed, which is 0.25 km away from the Pakkasuranmalai village of Nilgiris District.

iii) Category of the proposal has been reported as 'others' and shape of the forest land proposed for diversion reported as 'non-linear'. The User Agency has reported that area required in forest area is for 0.03 ha., and non forest land required for the project reported as Zero Ha. The User Agency has proposed the forest area diversion for the project for a period of 20 years.

iv) M/s Reliance Jio Infocomm Limited, having Office at No. 89, Dr. Radhakrishnan Salai, Mylapore, Chennai-4 has applied forest clearance proposal and for applying forest clearance proposal authorisation has been issued to the State Coordinate Officer. Legal status of the User Agency reported as 'Private'

v) Diversion of 0.03 ha of forest area has been requested in Nilgiris Forest Division in the Nilgiris District. Name of the village reported as Pakkasuranmalai for 0.03 ha of forest area and component wise break up reported as Non-Linear.

vi) 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.

vii) The user agency has proposed forest area diversion for erection of telecommunication tower in a plot of 17.36m length and 17.32m width covering 0.03 ha area.

viii) 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.

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

x) The User Agency has furnished the certificate issued by the District Collector, The Nilgiris District about completion of process for settlement of rights under Forest Rights Act, 2006 on the forest land proposed for diversion in Rc. No. A5/17772/2018, dated 18.01.2021.

xi) 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) Area requirement for the project reported as 17.36m length and 17.32m width – 300.68 sq.m or 0.03 ha.

j) In the EDS query reply, the user agency has reported that, No OFC has to be laid from the roadside. The available footpath (700 meter x 3 feet) within tea plantation area only to be utilized for carrying the materials and further maintenance works. The microwave technology is going to connect the tele-communication tower to the intercity fiber route, which is available 11.6 km away from the tower area.

2) The District Forest Officer, Nilgiris Forest Division has forwarded the proposal along with Site Inspection report and recommendation of the proposal to the Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam 09.07.2022 and resubmitted the proposal through online on 20.04.2023 and 12.06.2023.

Details furnished in the Part-II of Form A by the District Forest Officer, Nilgiris Division is furnished below.

i) The legal status of the proposed site of diversion of 0.03 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 District Forest Officer, Nilgiris Division, name of the forest land reported as Durg RF.

ii) The District Forest Officer has reported that, density of the forest area is 0.15 and Eco class of forest area is One.

iii) In the Part-II of Form-A, the District Forest Officer has reported that species wise and girth class wise enumeration of trees in the area is One and the existing one tree will not be felled and preserved.

iv) On vulnerability of the forest land proposed for diversion, the District Forest Officer has reported since grading of the site in question is less than 33%, therefore forest area will not be affected by the soil erosion.

v) The District Forest Officer has reported that Indian Gaur, Sambar deer, Wild boar, Porcupine, Barking deer, Black naped hare are present in and around the forest land proposed for diversion. The forest area proposed for diversion does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor, Wildlife migration corridor etc., and not located within the eco-sensitive zone of the protected area notified under Wildlife (Protection) Act, 1972 and not located within 1 km boundary of NP/WLs etc., for the forest land proposed for diversion. There is no 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 0.03 ha and there is no felling of trees involved and the existing one tree will not be felled.

The District Forest Officer, Nilgiris Forest Division has proposed compensatory afforestation in 1.00 ha of degraded forest area of Coonoor Peak RF with financial outlay of Rs. 12.54 lakhs with ten years maintenance of plantation as per the Forest Conservation Act guidelines. Kml file of the proposed CA plantation area, location marked in the Survey of India Topo sheet, geo-referenced map of the CA plantation area and site suitability certificate of the selected CA area have been uploaded.

ix) In the site inspection report, the District Forest Officer has stated that, site inspection carried out on 03.09.2021. Diversion of 17.36mx17.32m over an area of 0.03 ha of forest area for erection of telecommunication tower in Pakkasuranmalai

area of Durg RF has been proposed. The proposed forest land has already been leased out to the Tamil Nadu Tea Plantation Corporation Limited (TANTEA), Coonoor. There area 302 number of tea bushes and one silver oak tree. The user agency has assured that the tree will be protected without tree felling. There is no spontaneous tree growth in the proposed site. Movement of wild animals like Indian Gaur, Sambar deer, Wild boar, Porcupine, Barking deer and Black naped hare area recorded in the proposed area. However, mitigation measures to reduce the disturbance to wild animals and manage Human wildlife conflict area required.

x) Proposal for diversion of 0.03 ha of forest area for erection of telecommunication tower in Pakkasuranmalai area of Durg RF has been recommended with the following conditions.

(i) The user agency shall submit wildlife conflict mitigation plan, (ii) The project should be completed within a period of 6 months from the date of approval, (iii) No breaking of fresh land should be carried out other than the permission sought for, (iv) No chemical explosives should be used, (v) Unwanted material should not be dumped inside the Reserve forest, (vi) Adequate precautions should be taken to avoid any damage to flora and fauna, (vii) The work should be carried out only from 8 Am to 6 PM and should be informed to the concerned Forest Range Officer, (viii) Existing ban orders issued by the appropriate authority will be applicable, (ix) Movement of Wildlife should not be disturbed, (x) No materials should be collected from the forest area, (xi) No labour camp/cooking is allowed inside the Reserve Forest area, (xii) Any other condition that may be issued from time to time for the protection and improvement of flora and fauna in the forest area shall be applicable, (xiii) Monthly report of compliance of conditions stipulated should be furnished to the District Forest Officer, Nilgiris Forest Division.

3) The Tamil Nadu Forest Plantation Corporation Limited (TEATEA), Coonoor has issued No Objection for the erection of telecommunication tower at Pakkasuranmalai, Coonoor Tea Division subject to the condition that the silver oak tree available in the area should not be felled at any cost and an amount of Rs. 6.87 lakhs should be paid to TANTEA towards cost of 302 number of tea bushes proposed to be removed at the field before entering into the land for the erection purpose.

Hence the user agency has to paid the compensation amount for the loss of tea bushes to the TANTEA before Stage-II approval.

4) Human Wildlife Conflict Mitigation Plan recommended by the Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam has been approved by the Principal Chief conservator of Forests and Chief Wildlife Warden Chennai in Ref. No. WL5/38262/2022, dated 01.03.2023 to an amount of Rs. 12.50 lakhs and the user agency has informed that the plan will be executed without any deviation and furnished an undertaking.

5) The Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam has inspected the area on 05.09.2022 and remarked that, there will be no felling of trees due to the erection of this tower. Diversion of this minimum forest area of 0.03 ha will be required for the erection of tower. Flagship species like tiger is available in these Reserved Forest, hence appropriate human-wildlife conflict mitigation plan is to be implemented at the cost of user agency. Diversion of forest area has been recommended considering the communication facilities subject to usual terms and conditions of the competent authority and site specific conditions if any imposed by the District Forest Officer, Nilgiris Forest Division.

6) The User Agency has requested forest area diversion for a period of 20 years. The District Forest Officer, Nilgiris Forest Division and Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam have also recommended the diversion of forest area for a period of 20 years.

Based on the recommendations made by the District Forest Officer and Conservator of Forests and Field Director, diversion of forest area for erection of telecommunication tower is recommended for a period of 20 years.

7) 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 outside National Park/Sanctuary and there is no felling of trees is involved.

However, for erection of telecommunication towers, there is no exemption is allowed, hence Net Present Value of forest area may be collected based on the Eco class and density of forest area.

8) State Government may accord diversion of forest land of 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.

In this case, though the forest area diversion is less than one hectare, the project proponent/user agency is a private company, hence, approval of Government of India is required under Forest Conservation Act, 1980 for forest area diversion to private entity.

9) Based on the recommendation made by the District Forest Officer, Nilgiris Forest Division and Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam, proposal received from the M/s Reliance Jio Infocomm Limited, Chennai for diversion of 0.03 ha of forest land in Durg Reserved Forest of Pakkasuranmalai area in Nilgiris Forest Division for erection of telecommunication tower in Nilgiris District seeking approval under Section 2 of Forest (Conservation) Act, 1980 is furnished to the Government for consideration and obtaining orders from the Government of India subject to the following conditions.

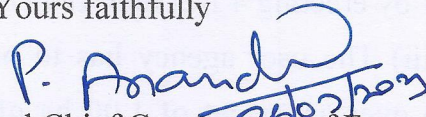
- i) The legal status of the diverted forest land remains unchanged.
- ii) The demarcation of the proposed forest land shall be carried out by the User Agency by erecting 4 feet high cement concrete pillars duly numbered at their cost.
- iii) The user agency has to pay the cost towards compensatory afforestation scheme over an extent of 1.00 ha of degraded forest area as per the Compensatory afforestation including maintenance for a period of 10 years.
- iv) 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.
- v) 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.
- vi) The user agency has to pay the cost towards implementation of human-wildlife conflict mitigation plan approved for the project.
- vii) The user agency has to pay the compensation cost of tea bushes to be removed in the project area to the Tamil Nadu Tea Plantation Corporation Limited.
- viii) Amount of Compensatory afforestation scheme, Net Present Value and human-wildlife conflict mitigation plan under the project shall be transferred/deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>)
- ix) The User Agency has to pay the cost towards annual 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.

x) The total forest area utilized for the project shall not exceeds 0.03 ha for erection of telecommunication towers in a plot of 17.36m length and 17.32 m area in Durg RF.

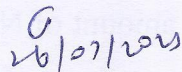
xi) Period of lease can be twenty (20) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

10) The proposal is sent through parivesh online portal with the recommendation made by the Additional Principal Chief Conservator of Forests (FCA) / Nodal Officer, Forest (Conservation) Act, 1980. I request that the proposal may be considered and forwarded to the Government of India for obtaining concurrence for diversion of 0.03 ha of forest land in Durg Reserved Forest of Pakkasuranmalai area in Nilgiris Forest Division for erection of telecommunication tower in Nilgiris District in favour of M/s Reliance Jio Infocomm Limited, No. 89, Radhakrishnan Salai, Mylapore, Chennai -4 for a period of 20 years.

Yours faithfully



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


26/07/2023

Proposal No. FP/TN/Others/33940/2018.

Proposal for diversion of 0.03 ha of forest land in Durg Reserved Forest of Pakkasuranmalai area in Nilgiris Forest Division for erection of telecommunication tower in Nilgiris 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 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)

Signature :

Name, Designation :

Tmt. V. Karunapriya, I.F.S.,
Additional Principal Chief Conservator of Forests
(Forest Conservation Act),
O/o the Principal Chief Conservator of Forests
(Head of Forest Force) Chennai -32

Date : 19-07-2023

Place : Chennai-32