

/376583/2023

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ
Office of the
Principal Chief Conservator of Forests
(Head of Forest Force)



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E-office File No. KFD/HOFF/A52K(GFL)/23/2021-FC

E-529153

Encl.: 3 sets of proposal hard copies

Date 24-01-2023

27

To,

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

Sir,

Sub: Diversion of 1.1594 hectare of forest land in 12 Villages in Shivamogga District (Shivamogga Wildlife Division) for laying of Underground OFC Cable within the existing RoW from Biligalluru to Nagavalli in favour of DGM, Jio Digital Fiber Private Limited, Bengaluru

Proposal No. FP/KA/OFC/144741/2021

Ref: 1. Online proposal [FORM-A PART-I] dated 19-06-2022 of Jio Digital Fiber Private Limited, Bengaluru and uploading of acknowledgement on 14-07-2022 for having delivered hard copies of proposal to the jurisdictional Deputy Conservator of Forests and Deputy Commissioner
2. This office online communication dated 15-07-2022 to Deputy Conservator of Forests, Shivamogga Wildlife Division for further processing of proposal
3. Online submission of PART-II on 25-08-2022 by Deputy Conservator of Forests, Shivamogga Wildlife Division [Letter No. B4/Land/GL-1419/2022-23 dated 25-08-2022] and online EDS reply dated 16-01-2023 [reply to EDS query raised by Nodal Officer]
4. Online submission of PART-III on 01-09-2022 by Conservator of Forests, Shivamogga Circle [Letter No. A11/FC/Talale-Sacrebyle/144741/2022-23 dated 01-09-2022] and online EDS reply dated 19-01-2023 [reply to EDS query raised by Nodal Officer]

1. Jio Digital Fiber Private Limited, No.51, RMZ Icon, Palace Cross Road, Vasanth Nagar, Bengaluru [USER AGENCY] vide Ref (1) has submitted a proposal through FC web portal seeking approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 1.1594 hectare of forest land in 12 Villages in Shivamogga District (Shivamogga Wildlife Division) for laying of Underground OFC Cable within the existing RoW from Biligalluru to Nagavalli. The same was accepted by Nodal Officer (FCA) on 04-07-2022 for further processing. After uploading of the acknowledgement online by User Agency on 14-07-2022 for having delivered the hard copies of proposal to the jurisdictional Deputy Conservator of Forests and Deputy Commissioner, an online communication was made on 15-07-2022 by Nodal Officer vide Ref (2) to the Deputy

376583/2023 Conservator of Forests, Shivamogga Wildlife Division to process the proposal under FC Act and to submit the specific opinion through PART-II of the proposal.

1. Location details and Component wise break up: Location details and Component wise breakup of the forest land proposed for diversion are given below.

Division	Village		Sy No.	Forest extent proposed for diversion (ha)	Status of land
Shivamogga Wildlife Division	1	Biligalluru	1	0.01199	Reserved forests
	2	Karumane	79 & 70	0.09299	
	3	Mandhavalli	64, 48, 62, 61, 58, 68, 69, 76, 84 & 8	0.189	
	4	Aravadhi	14, 10, 9, 8 & 11	0.0266	
	5	Muddhane	8 & 11	0.08981	
	6	Kanapagaru	83, 76, 75, 68, 69 & 75	0.110971	
	7	Banukuli	13, 12 & 92	0.08662	
	8	Chennakonda	552, 31, 504, 433, 57, 10, 23 & 39	0.16652	
	9	Baliga & Nelleri	10, 9, 12, 5, 2 & 1	0.10496	
	10	Nagavalli	136, 140, 125, 133, 132, 126, 123 & 122	0.06958	
	11	Thalale	14	0.034491	
	12	Sakkerebyle	2	0.17585	
Total				1.1594	

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

Project Component	Forest Land requirement (ha)
Under Ground Optical Cable within the existing RoW (trench width 0.3 mtr and depth 1.65 mtr)	1.1594
Total	1.1594

2. DCF, Shivamogga Wildlife Report: The Deputy Conservator of Forests, Shivamogga Wildlife Division has inspected the project site on 15-08-2022 & 28-08-2022 and vide Ref (3) has submitted the Site Inspection Report along with details of the site in PART-II of the proposal to the Conservator of Forests, Shivamogga Circle. Main features of the forest land proposed for diversion as per the DCF, Shivamogga Wildlife Division report r/w reports of CF, Shivamogga Circle and that of ICT Centre of Forest Department are as follows.

- The forest land proposed for diversion is in general landscape of Eco-class I (Tropical Wet Evergreen Forests/ Tropical Semi Evergreen Forests/ Topical Moist Deciduous Forests) with 0.8 Canopy Density (Very Dense Forest).

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- b. As per Item 4(ii) of PART-II, there are no trees to be felled on the forest land proposed for diversion.
 - c. The forest area has various species of wild animals such as Leopard, Tiger, Elephant, Bear, Boar, Gaur, Rabbit, Peacock, etc.
 - d. The forest land proposed for diversion falls in the Shettihalli wildlife sanctuary and Sharavathi Wildlife Sanctuary (Lion-tailed macaque Sanctuary) as the project runs underground along ROW of existing road, there is no much impact on proposed forest area.
 - e. There are no Protected/ Archaeological/ Heritage Sites/ Defence establishments located in the proposed area.
 - f. The forest area proposed for diversion is the bare minimum and unavoidable.
 - g. There is no violation reported under Forest (Conservation) Act, 1980.
3. **CF, Shivamogga Circle Report:** The Conservator of Forests, Shivamogga Circle has submitted the proposal in PART-III online. Agreeing with the recommendation made by the Deputy Conservator of Forests, Shivamogga Wildlife Division, the Conservator of Forests, Shivamogga Circle has also recommended the proposal.
4. **Net Present Value (NPV):** The User Agency is required to pay five times of the normal Net Present Value (NPV) of forest land proposed for diversion in Wildlife areas as per Para 3 of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide letter F.No. 5-3/2011-FC(Vol-I) dated 06-01-2022. **The User Agency has submitted an Undertaking dated 22-03-2021 to pay the charges towards Net Present Value (NPV) of the forest land proposed for diversion.**
5. **Compensatory Afforestation (CA):** In accordance with the provisions of para 2.5 (b) of the 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, the proposal is for laying underground Optical Fiber Cable within the existing RoW is exempted from the requirement of providing the non-forest land for Compensatory Afforestation purpose and the Compensatory Afforestation can be raised and maintained at the cost of User Agency on degraded forest land twice in extent of the forest area proposed for diversion. Accordingly, the Deputy Conservator of Forests, Shivamogga Wildlife Division has identified the following degraded forest land parcels in Haliyal Division.

District	Village	Sy No.	Extent of Degraded Forest Land (ha)
Uttara Kannada	Tatwanagi	98A	2.7
Total			2.7

The Compensatory Afforestation land details in form of KML files, Topo-maps, Geo-referenced maps, CA Schemes and CA Site Certificates have been uploaded at Item 13 of

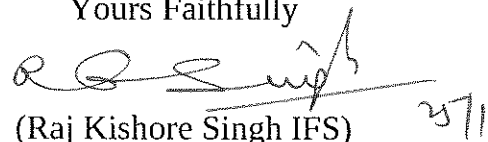
/376583/2023 PART-II. Further, the User Agency has furnished an Undertaking dated 22-03-2021 to pay the applicable Compensatory Afforestation (CA) charges.

6. **Status of RoFR compliance:** With regard to compliance of the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 and Rules 2008, the User Agency has not obtained and furnished the requisite **Certificate in FORM-I (for Linear projects)** issued by the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines. Accordingly, **the User Agency is being informed to obtain the required RoFR certificate and submit a copy.**
7. **Wild life clearance:** As the project area lies in Shettihalli wildlife sanctuary and Sharavathi Wildlife Sanctuary (Lion-tailed macaque Sanctuary), the User Agency applied for Wildlife clearance from State Board for Wildlife. PCCF (WL) has confirmed vide letter dated 09-12-2022 that the User Agency got the approval from 16th meeting of State Board for Wildlife dated 03-11-2022.

Under the above circumstances and agreeing with recommendations of the field officers, **it is requested to consider the proposal for according in-principle (Stage-I) approval under Forest (Conservation) Act, 1980 for diversion of 1.1594 hectare of forest land in 12 Villages in Shivamogga District (Shivamogga Wildlife Division) for laying of Underground OFC Cable within the existing RoW (trench width 0.3 mtr and depth 1.65 mtr) from Biligalluru to Nagavalli in favour of DGM, Jio Digital Fiber Private Limited, Bengaluru 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'.**

The hard copy of the proposal along with the relevant documents in 3 sets is submitted herewith for further needful.

Yours Faithfully



(Raj Kishore Singh IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Conservator of Forests, Shivamogga Circle for information.
2. Deputy Conservator of Forests, Shivamogga Wildlife Division for information.
3. Deputy Conservator of Forests, Haliyal Division for information.
4. Deputy General Manager, Jio Digital Fiber Private Limited, No.51, RMZ Icon, Palace Cross Road, Vasanth Nagar, Bengaluru for information and with the request **to obtain the RoFR certificate in FORM-I (for Linear projects) issued by the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines.**

ANNEXURE 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be the forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), Compensatory Afforestation (CA) charges, cost of extraction of trees (if required in future), 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 User Agency shall provide the signages of appropriate size and kind all along the road within forest limits for creating awareness about forest, Wildlife and Environment issues among general public and the road users at project cost in consultation with the jurisdictional Deputy Conservator of Forests/ Conservator of Forests/ Conservator of Forests.
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. 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 inside forest area 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 project shall be compensated by the Lessee. The extent of damage shall be assessed by the jurisdictional Deputy Conservator of Forests/ Conservator of Forests/ 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. No change in Land Use Plan shall be done unless prior approval of Government of India under FC Act is obtained.
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 Conservator of Forests and/or 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 Conservator of Forests (Head of Forest Force) before or after the approval.

Signed by Raj Kishore
Singh, Its

(Date: 25-01-2023, 17:05:35)

Principal Chief Conservator of Forests
(Head of Forest Force)

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PART – IV

(To be filled in by the Nodal Officer or Principal Conservator of Forests or Head of Forest Department)

Detailed opinion & 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.)	Recommended for diversion of 1.1594 hectare of forest land in 12 Villages in Shivamogga District (Shivamogga Wildlife Division) for laying of Underground OFC Cable within the existing RoW (trench width 0.3 mtr and depth 1.65 mtr) from Biligalluru to Nagavalli in favour of DGM, Jio Digital Fiber Private Limited, Bengaluru 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'. Proposal No. FP/KA/OFC/144741/2021
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Signature:



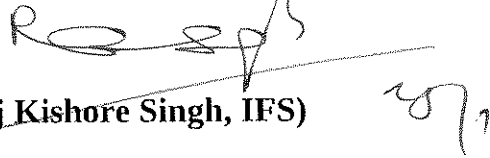
Name:

(Vijay Sharma, IFS)

Designation:

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

Signature:



Name:

(Raj Kishore Singh, IFS)

Designation:

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

N.D.O. No. 59/2022-23

(Official Seal)

Dated: 27/01/2023

