

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

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



ಅರಣ್ಯಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003.

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

E-510781

Date 26-05-2023

To

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

Sir

Sub: Diversion of 0.385 ha of forest land in Mundage road, C. Bidare Charmadi and Neriya Road villages in Dakshina kannada District for laying Jio digital optical fiber cable along the Right of way in NH-PWD road from Ujire-Neriya in Belthangady Taluk, Dakshina Kannada District in favour of Jio digital Fiber private limited, Bengaluru.

Proposal No.FP/KA/OFC/143050/2021 [FORM A]

Ref: 1. Online proposal [FORM-A PART-I] dated 11-06-2022 (re-submitted) of M/s Jio Digital Fiber Private Limited, Bengaluru r/w Acknowledgement uploaded online on 07-07-2022 by User Agency for having delivered the hard copy proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner.

2. This office online communication dated 13-07-2022 to Deputy Conservator of Forests, Mangaluru Division for further processing of proposal.

3. Online submission of PART-II on 21-02-2023 by the Deputy Conservator of Forests, Mangaluru Division.

4. Online submission of PART-III by the Chief Conservator of Forests, Mangalore Circle to Nodal Officer on 29-03-2023 [letter No letter No.A3/ CR- 11/JDFC Ujire-Neriya(FC)/2022-23 dated 28-03-2023]

1. Jio Digital Fiber Private Limited, RMZ Icon, Palace Cross Road, Vasanth Nagar, Bengaluru, [USER AGENCY] vide Ref (1) has submitted an online proposal [FORM-A PART-I] through FC web portal seeking approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.385 ha of forest land in Mundage road, C. Bidare Charmadi and Neriya Road villages in Dakshina kannada District for laying Jio digital optical optical fiber cable along the Right of way in NH-PWD road from Ujire-Neriya in Belthangady Taluk, Dakshina Kannada District in favour of Jio digital Fiber private limited, Bengaluru. After uploading of Acknowledgement on 07-07-2022 by User Agency for having delivered the hard copies of the proposal

to jurisdictional Deputy Conservator of Forests and Deputy Commissioner, an online communication was made by the Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Mangaluru Division to process the proposal and to submit specific opinion / recommendation.

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, Hobli	Villages	Sy.No.	Project component	Forest extent proposed for diversion (ha)	Legal status of land
Dakshina Kannada, Belthangady & Kasaba, Kakkada	Mundaje	255	Optical Fiber Cable	0.049	Reserved Forest
	Chibidre	86/1		0.033	
	Charmady	194,195, 197/1		0.270	
	Neriya	146		0.033	Private Owned Deemed Forest
				0.385 ha	

5. Report of DCF, Mangaluru Division: The Deputy Conservator of Forests, Mangaluru Division has inspected the site on 19-11-2022, 16-02-2023 and vide Ref (3) has submitted his report along with Site Inspection Report in PART-II to Chief Conservator of Forests, Mangalore Circle, Mangalore. Main features of the proposal based on the reports of the Deputy Conservator of Forests, Mangaluru Division r/w report of Chief Conservator of Forests, Mangalore 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 (Consisting of Tropical Semi Evergreen Forest) with a Canopy Density of up to 0.25 % (Open Forest).
- As per Item 4(ii) of PART-II of the proposal, there are no trees on the forest land proposed for diversion.
- Wild Boars are reported in and around the project area.
- There are no rare / endangered / unique species of flora and fauna reported in and around the forest land proposed for diversion.
- The forest land proposed for diversion does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc.

- g. The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
 - h. There are no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc., within one kilometre of the forest land proposed for diversion.
 - i. There are no Protected/ Archaeological/ Heritage sites or Defence establishments or important monuments in the area.
 - j. There is no violation reported under the Forest (Conservation) Act, 1980.
 - k. The requirement of forest land for the project is the bare minimum and unavoidable.
6. **CCF, Mangaluru Circle Report:** The Chief Conservator of Forests, Mangaluru Circle has inspected the site on 25-03-2023 and agreed the report of DCF Mangaluru division. The Chief Conservator of Forests, Mangaluru Circle has also recommended the proposal while submitting the report in PART-III vide Ref (4).
7. **Net Present Value (NPV):** As per the Para 3.5, serial No.4 of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide letter F.No. 5-2/2017-FC dated 28-03-2019, the proposal is for laying underground Optical Fiber Cable within the existing RoW (trench size not more than two meter in depth and one meter in width) is exempted from the Net Present Value (NPV). Although, the **User Agency has submitted an Undertaking dated 15-02-2022 to pay the charges towards Net Present Value (NPV) of the forest land proposed for diversion.**
8. **Compensatory Afforestation (CA):** In accordance with the guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. FC-11/165//2019-FC dated 27-07-2020, the proposal is for laying underground Optical Fiber Cable within the existing RoW (trench size not more than two meter in depth and one meter in width) is exempted from the Compensatory Afforestation purpose. Although, **the User Agency has furnished an Undertaking dated 15-02-2022 to pay the applicable Compensatory Afforestation (CA) charges.**
9. **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-II (for Non-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.**

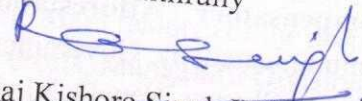
10. Additional Information I: User Agency submitted the proposal for diversion of 0.574036 ha forest land. But, after the field verification, DCF, Mangaluru and CCF Mangaluru Circle has recommended only for 0.385 Ha of forest land for diversion.

11. Additional Information II: The Government of Karnataka order No FEE 150 FLL 2022 (e) dated 03-03-2023 has authorized the Nodal Officer, FCA to consider permission for re-diversion for laying of OFC falling within the already diverted ROW of roads located outside the protected areas. However, the Nodal Officer is unable to accord permission due to technical error in www.parivesh.webportal. Hence, the proposal has been recommended to Government of Karnataka.

Under the above circumstances and agreeing with recommendation 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 0.385 ha of forest land in Mundage road, C. Bidare Charmadi and Neriya Road villages in Dakshina kannada District for laying Jio digital optical fiber cable along the Right of way in NH-PWD road from Ujire-Neriya in Belthangady Taluk, Dakshina Kannada District in favour of Jio digital Fiber private limited, Bengaluru for a period of twenty (20) years, subject to submission of RoFR Compliance Certificate in FORM-I (for Linear projects) and the conditions listed 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

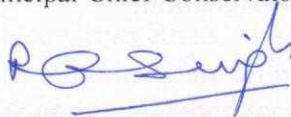


(Raj Kishore Singh IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

1. Copy to the Chief Conservator of Forests, Mangaluru Circle for information.
2. Copy to the Deputy Conservator of Forests, Mangaluru Division, Mangaluru for information.
3. Copy to M/s Jio Digital Fiber Private Limited, Bengaluru 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

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 & hypothecate the forest area.
5. The Lessee shall provide signages in appropriate dimensions and nature along the proposed optical fibre cable within forest limits for sensitization of general public towards the forest, wildlife and environmental issues in consultation with the jurisdictional Deputy Conservator of Forests.
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.


(Raj Kishore Singh IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)

PART - IV

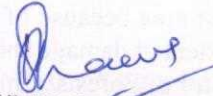
(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

<p>Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.</p> <p><i>(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.)</i></p>	<p>Recommended for diversion of 0.385 ha of forest land in Mundage road, C. Bidare Charmadi and Neriya Road villages in Dakshina kannada District for laying Jio digital optical optical fiber cable along the Right of way in NH-PWD road from Ujire-Neriya in Belthangady Taluk, Dakshina Kannada District in favour of 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'.</p> <p>Proposal No. FP/KA/OFC/143050/2021</p>
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Signature:

Name:

Designation:



VIJAY SHARMA IFS

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

(Official Seal):

Counter signed by :

Name:

Designation:



RAJ KISHORE SINGH IFS

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

(Official Seal):

N.D.O. No: 05/2022-23

Date: 26-05-2023