

By e-mail



ENVIRONMENT, CLIMATE CHANGE
& FORESTS(FR.10) DEPARTMENT,
SECRETARIAT, CHENNAI 9.

Letter No:14151/FR.10/2022-1, dated: 30.09.2022

From
Tmt.Supriya Sahu, IAS.,
Additional Chief Secretary to Government.

To
The Assistant Inspector General of Forests (Central),
Government of India,
Ministry of Environment, Forests and Climate Change,
Integrated Regional Office,
No.1st Floor, Additional Office Block for GPOA,
Shastri Bhawan,
Haddows Road,
Nungambakkam, Chennai-600 006 (w.e).

Sir,

Sub: Forests - Forest (Conservation) Act, 1980 – Vellore Circle/
Tiruvannamalai forest Division – Proposal (No.FP/TN/IRRIG/
118339/2021) for diversion of 0.90 Ha of forest land in Pennaiyar
Reserved Forest in Tiruvannamalai Forest Division area for
construction of fuse plug pertaining to Thandarampattu Taluk of
Tiruvannamalai District for discharge of heavy floods from
Sathanur Reservoir in Tiruvannamalai District in favour of
Assistant Executive Engineer, PWD, Sathanur Dam,
Tiruvannamalai District - Forwarding of – Regarding.

Ref: From the Principal Chief Conservator of Forests (HoFF), letter
No.TS3/1022/2021, dated 03.08.2022.

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I am directed to enclose a copy of the reference cited and to state that, the Principal Chief Conservator of Forests (HoFF) in his letter cited has stated that the Assistant Executive Engineer, PWD, Sathanur Dam, Tiruvannamalai District has uploaded online forest clearance proposal (No.FP/TN/IRRIG/118339/2021) under section 2 of Forest (Conservation) Act, 1980 for diversion of 0.90 ha of forest land in Pennaiyar Reserved Forest in Tiruvannamalai Forest Division area for construction of fuse plug pertaining to Thandarampattu Taluk of Tiruvannamalai District for discharge of heavy floods from Sathanur Reservoir in Tiruvannamalai District.

2. In the Part-II of Form-A, the District Forest Officer, Tiruvannamalai Forest Division, has furnished the following details:-

- i. The legal status of the proposed site of diversion of 0.90 ha of forest land requested for the project is area notified as Reserved Forests and the name of forest land is "Pennaiyar Reserved Forest".
- ii. The District Forest Officer 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 under section 4(ii), species wise and girth class wise, enumeration of trees in the proposed area is reported as 71 numbers of spontaneously grown trees to be felled. Among the 71 trees, 62 are Thurinchi trees, 5 Vembu trees, 2 Porusu trees, and 2 Karuvel trees with various girth levels were listed and requires felling for this Project.
- iv. On the Brief note on vulnerability of the forest area to erosion, the District Forest Officer has reported that there is no erosion in this forest area.
- v. There is no wildlife 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. For the diversion of 0.90 ha of forest land and involves felling of 71 number of spontaneously grown trees, the District Forest Officer has proposed compensatory afforestation scheme in 1.80 ha of degraded forest area selected in Pinjur C-Block Reserved Forest at a project cost of Rs. 27,48,702/-

3. The District Forest Officer, Tiruvannamalai has inspected the proposed project area on 17.07.2021 and reported that the User Agency has not yet started any work in the Reserved Forest area so far, therefore the question of violation of provisions of Forest (Conservation) Act, 1980 does not arise and there is no encroachment in the proposed area. The forest land required for the project is not part of National Park/ Wildlife Sanctuary/ Biosphere. No rare/ endangered/ unique species of flora and fauna in the above said Reserved Forests. The area proposed for construction of fuse plug falls under Pennaiyar Reserved Forest of Sathanur Range with forest type of Southern Dry deciduous scrub forest.

4. In the Specific Recommendation of the project proposal, the District Forest Officer, Tiruvannamalai Forest Division has reported that the forest land is of Southern Dry Deciduous Scrub Forest type. As per the recommendation of the High level authorities of Dam Safety Review Panel inspection report on 31.12.2020, it was decided to make suitable surplus arrangements for accommodating probable maximum floods in Sathanur Reservoir. Hence for ensuring the safety of the reservoir and adjacent areas from excess floods, he has recommended this proposal.

5. The Conservator of Forests, Vellore Circle has inspected the area on 13.04.2022 and recommended the proposal for ensuring the safety of the Reservoir and adjacent areas from excess floods and the proposal forwarded to the Nodal Officer.

6. The Principal Chief Conservator of Forests has stated that the User Agency has requested forest area diversion for a period of 99 years. The District Forest Officer, Tiruvannamalai Forest Division, has recommended the forest area diversion for a period of 25 years and the Conservator of Forests, Vellore Circle has not recommended any time limit for the proposed forest diversion area. Based on the recommendations made by the District Forest Officer, Tiruvannamalai Forest Division, the Principal Chief Conservator of Forests (HoFF) has recommended diversion of forest land for a period of 25 years.

7. He has further stated that the user agency has proposed diversion of 0.90 ha of forest area in Pennaiyar Reserved Forests for construction of fuse plug aiming for the discharge of heavy floods from Sathanur Reservoir and the discharged flood will join the downstream side of the river course under the project proposal category of "Irrigation". The Government of India has delegated powers to State Government under General approval for diversion of forest areas for the development of critical public utility and welfare projects undertaken by the Government for the following (i) School/Educational Institutions, (ii) Dispensary/hospitals, (iii) Electric and telecommunication lines, (iv) Drinking water, (v) Water/rainwater harvesting structures, (vi) Minor irrigation canals, (vii) Non-conventional sources of energy, (viii) Skill upgradation/vocational training centre, (ix) Power sub stations, (x) Communication posts, (xi) Construction/widening of roads including approach roads to roadside establishments, (xii) water mills, (xiii) Government approved community toilets, (xiv) Upgradation/strengthening/widening of existing bridges by BRO, (xv) Police establishments like Police Station/Outposts/Border outposts/ towers in sensitive area identified by the Ministry of Home Affairs. Proposal furnished under Irrigation category for discharge of heavy flood by construction of fuse plug, does not come under the above listed category of projects. Further, 71 Nos. of spontaneously grown trees have to be felled for the project over an extent of 0.90 ha. Hence the proposal has to be got approval from the Government of India.

8. The Principal Chief Conservator of Forests (HoFF) has sent the proposal duly recommended by the Additional Principal Chief Conservator of Forests (Forest Conservation Act) / Nodal Officer of Forest (Conservation) Act, 1980 of the State of Tamil Nadu.

9. Based on the recommendations of the District Forest Officer, Tiruvannamalai Forest Division, the Conservator of Forests, Vellore Circle, the Principal Chief Conservator of Forests (HoFF) has recommended the proposal for diversion of 0.90 ha of forest land in Pennaiyar Reserved Forest in Tiruvannamalai Forest Division area for construction of fuse plug, pertaining to Thandampattu Taluk of Tiruvannamalai District for discharge of heavy floods from Sathanur Reservoir in Tiruvannamalai District in favour of the Assistant Executive Engineer, PWD, Sathanur Dam, Tiruvannamalai District for a period of 25 years, under section 2 of Forest

(Conservation) Act, 1980 and requested the Government to consider the proposal and to forward the same to Government of India for obtaining their approval for the project proposal, 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 an interval of 20 meters at their cost.
- iii. The User Agency has to pay the amount for raising compensatory afforestation in 1.80 ha of degraded forest land in Pinjur C-Block Reserved Forest area.
- 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. Amount of Compensatory Afforestation scheme, Net Present Value of forest area under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>)
- vii. The User Agency has to obtain orders from the Hon'ble Supreme Court of India for felling of Spontaneously grown 71 number of trees in the project area.
- viii. The User Agency has to pay the cost towards annual lease rent 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.
- ix. The total forest area utilized for the project shall not exceed 0.90 ha comprising the forest area to a length of for 450m length and 20m width.
- x. The forest land proposed to be diverted shall under any circumstances be transferred to any other agencies/ department or person without prior approval of State Government.
- xi. The User Agency shall be responsible for any loss to Flora and Fauna in the surroundings and shall take all possible measures to conserve the same.
- xii. The forest land shall not be used for any other purpose other than that specified in the project proposal.
- xiii. Violation of any of these conditions will amount to violations of Forest (Conservation) Act, 1980 and action would be taken as per rules in force.
- xiv. Any other conditions that the Ministry of Environment, Forests and Climate Change may stipulate from time to time in the interest of conservation, protection and development of Forests and wildlife, shall be complied by the User Agency.
- xv. Period of lease can be twenty five (25) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

10. The Government have examined and accepted the proposal of the Principal Chief Conservator of Forests (Head of Forest Force) for diversion of 0.90 ha of forest land in Pennaiyar Reserved Forest in Tiruvannamalai Forest Division area

for construction of fuse plug, pertaining to Thandarampattu Taluk of Tiruvannamalai District for discharge of heavy floods from Sathanur Reservoir in Tiruvannamalai District in favour of Assistant Executive Engineer, PWD, Sathanur Dam, Tiruvannamalai District, for a period of 25 years, under section 2 of Forest (Conservation) Act, 1980 and decided to forward the same to Ministry of Environment, Forests and Climate Change, Government of India for obtaining their concurrence.

11. I am, therefore, directed to request you to kindly obtain the concurrence of the Competent Authority and communicate the same to this Government, early.

Yours faithfully,

M. Megala
30/9/2022

for Additonal Chief Secretary to Government

V. Prasad
30.09.2022

Copy to:-

The Principal Chief Conservator of Forests (Head of Forest Force),
Chennai-15.

The Assistant Executive Engineer,
Public Works Department , Sathanur Dam,
Sathanur, Tiruvannamalai-606 070.

PART – V

(To be filled in by the Secretary in charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

Proposal for diversion of 0.90 ha of forest land in Pennaiyar Reserved Forest in Tiruvannamalai Forest Division area for construction of fuse plug pertaining to Thandarampattu Taluk of Tiruvannamalai District for discharge of heavy floods from Sathanur Reservoir in Tiruvannamalai District in favour of Assistant Executive Engineer, PWD, Sathanur Dam, Tiruvannamalai District for a period of 25 years under Section 2 of Forest (Conservation) Act, 1980.

18. Recommendation of the State Government

(Adverse comments made by any officer or authority in Part-B or Part – C or Part – D above should be specifically commented upon)

Date : 03.10.2022

Place : Chennai-9.

Recommended

Signature

Name & Designation
(Official Seal)

Pragna Chandra
Joint Secretary to Government
Environment, Climate Change
and Forest Department
Secretariat, Chennai-9.

V. S. S.
03.10.2022

