

By e-mail



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

Letter No. 5280413/FR.10/2023-1, dated 03.08.2023

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

To
The Assistant Inspector General of Forests (Central),
Government of India,
Ministry of Environment, Forest and Climate Change,
Integrated Regional Office,
1st Floor, Additional Office Block for GPOA,
Shastri Bhawan, Haddows Road,
Nungambakkam, Chennai-600 006. (w.e).

Sir,

Sub: Forest (Conservation) Act, 1980 – Proposal (FP/TN/Road/148656/2021) for diversion of 4.46 ha of forest land in Vandalur Reserved Forests for formation of Tambaram Eastern Bypass road branching from km 17/4 of Malmalong bridge-Irumbuliyur road from Rajakilpakkam via Agaramthen road towards Perungalathur at km 0/0-9/300 in Chengalpattu District in favour of the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-I, Chennai – Regarding.

Ref: From the Principal Chief Conservator of Forest (Head of Forest Force), Letter No.TS3/39365/2021, dated 25.07.2023.

=====

I am directed to enclose a copy of the reference cited and to state that, the Principal Chief Conservator of Forests (Head of Forest Force) in his letter cited has stated that, the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-I, Chennai has uploaded online forest clearance proposal under Section 2 of Forest (Conservation) Act, 1980 for diversion of 4.46 ha of forest land in Vandalur Reserved Forest for formation of Tambaram Eastern Bypass road branching from km 17/4 of Malmalong bridge-Irumbuliyur road from Rajakilpakkam via Agaramthen road towards Perungalathur at km 0/0-9/300 in Chengalpattu District.

2. The District Forest Officer, Chennai Division has forwarded the proposal along with Site Inspection report and recommendation of the proposal to the Chief Conservator of Forests, Chennai Circle on 15.05.2023 and resubmitted the proposal on 24.06.2023, 06.07.2023 and 21.07.2023 for the Essential Details query raised on the proposal.

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

- i. The legal status of the proposed site of diversion of 4.46 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, Kancheepuram Division, name of the forest land reported as Vandalur Reserved Forests.
- ii. Density of the forest area is 0.3 and Eco class of forest area is four.
- iii. The species wise and girth class wise enumeration of trees in the area of 285 trees.
- iv. Vulnerability of the forest area to erosion reported as there is no erosion in this area.
- v. The District Forest Officer has not specified the 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.
- viii. The District Forest Officer has reported that no work in violation of the Act or guidelines issued under the Act has been carried out by the user agency.
- ix. For the proposed diversion of 4.46 ha of forest land in Vandalur Reserved Forests, compensatory afforestation land has been proposed in SF.No.96/1 of Vedhanarayanapuram village in Chengalpattu District to an extent of 8.92 ha.
 - a. The District Forest Officer, Chennai Division has reported that, the selected compensatory afforestation land is already having vegetation and forest like characteristics, compensatory afforestation plantation cannot be taken up in the compensatory afforestation land and hence compensatory afforestation has been proposed in 8.92 ha of degraded forest area in Gudalur Reserved Forests.
 - b. Planting of 8920 number of misc seedlings along with maintenance and protection of plantation over a period of 10 years, at a cost of Rs.1,53,35,487/- has been proposed.
 - c. Survey of India topo sheet of Gudalur Reserved Forests and surveyed sketch of the proposed Compensatory Afforestation area in geo-referenced map, Site suitability certificate of the Compensatory Afforestation area have also been furnished by the District Forest Officer.

- x. In the site inspection report and recommendation of the proposal, the District Forest Officer has stated the following:-
- a) This proposal is for diversion of 4.46 ha of forest land in Vandalur Reserved Forests of Chennai Division for formation of Tambaram Eastern Bypass road passed through Northern side of Vandalur Reserved Forests has been inspected on 03.11.2022. An extent of 4.46 ha is proposed to be diverted in total, which included 1.25 ha Vandalur Reserved Forests under Modern Nursery Perungalathur Research Wing.
 - b) Vandalur Reserved Forests has been declared under Section 16 of the Tamil Nadu Forest Act, 1882. The vegetation of the area described as Vandalur Scrub and is dominated by thorny bushes and handy species. The Tambaram Eastern Bypass road in the proposed forest area shall not affect the movement of birds. The Reserved Forests or any portion of the proposed area is neither forming a part of National Park, Wildlife Sanctuary, Biosphere Reserve and Wildlife Migration corridor nor forming a part of Eco-Sensitive zone of any Protected area notified under Wildlife Protection Act 1972. The forest area proposed for diversion under Forest Conservation Act, lies adjacent to the sub-urban residential areas and hence there is no specialized habitat (Breeding ground/nesting area) for any faunal species including avi-fauna and there is no disturbance for any form of wildlife.
 - c) The proposed project is of national importance with the intention to provide better transport facilities to the inhabitants of the city and it has been informed that there is no alternate route available for this project and there is no sufficient right of way available with Highways, the diversion of proposed forest area 4.46 ha (the barest minimum forest area) in Vandalur Reserved Forests has been taken into consideration. Further the project proponent has agreed to pay the Net Present Value of the forest land and also given an undertaking to bear the cost to be incurred towards felling of standing trees 285 Nos in which 117 are spontaneous and 168 are planted trees and its transportation during the formation of Tambaram Eastern Bypass road under the said project as well as cost involved towards compensatory afforestation.
 - d) In the Essential Details reply, the District Forest Officer has reported that, the proposed area of diversion for formation of eastern bypass road starting point links with the end portion of Road over Bridge (RoB) proposed by the Highways Department vide proposal No. FP/TN/Road/151930/2022 and the end portion of the proposed road connects with the newly formed bypass road outside the Reserve Forest in Alapakkam village. The road which is already existing and passing through the Reserve Forest is a right of way.
 - e) For raising of compensatory afforestation in lieu of diversion of 4.46 ha of forest land in Vandalur Reserved Forests for formation of Tambaram Eastern Bypass road, the user agency has identified 8.92 ha of non-forest land in SF No.96/1 of Vedhanarayanapuram in Chengalpattu District. The District Forest Officer, Chengalpattu

Division has reported that the land is already having vegetation with forest like characteristics and hence compensatory afforestation could not be taken up in the said land. Hence the District Forest Officer, Chennai Division has selected 8.92 ha of degraded forest land in Gudalur Reserved Forests to carry out compensatory afforestation work.

- f) Taking into consideration of the above, the District Forest Officer, Chennai Division has recommended the proposal furnished for diversion of 4.46 ha of forest area in Vandalur Reserved Forests.

4. The Chief Conservator of Forests, Chennai Circle has inspected the area on 15.06.2023 and endorsed the details provided by the District Forest Officer and recommended the proposal. Forest clearance proposal forwarded through web portal on 10.07.2023 and EDS query replied on 22.07.2023.

5. The Principal Chief Conservator of Forests (Head of Forest Force) has stated that, the User Agency has requested forest area diversion for a period of 99 years. The District Forest Officer, Chennai Division has recommended the project for 30 years period and the Chief Conservator of Forests, Chennai Circle has recommended the diversion of forest area for a period of 20 years. The Principal Chief Conservator of Forests has stated that the forest area diversion proposals for road works are permanent nature and hence recommended for a period of 50 years.

6. The Principal Chief Conservator of Forests (Head of Forest Force) has also stated that, the proposal is sent duly recommended by the Additional Principal Chief Conservator of Forests (Forest Conservation Act) / Nodal Officer, Forest (Conservation) Act, 1980 of the State of Tamil Nadu.

7. Further he has stated that, this project involves felling of 117 numbers of spontaneous trees. Hence, as per the Hon'ble Supreme Court of India judgment dated 11.01.2023 in I.A Nos.168328/2022 and 168313/2022 and I.A No.191583/2022, the project would be permitted only after the concurrence of the Integrated Regional Office (IRO), Chennai. Hence concurrence of the Integrated Regional Office, Chennai is required for this project.

8. Based on the recommendation made by the District Forest Officer, Chennai Division, Chief Conservator of Forests, Chennai Circle and Additional Principal Chief Conservator of Forests (Forest Conservation Act), the Principal Chief Conservator of Forests (Head of Forest Force) has recommended the proposal for diversion of 4.46 ha of forest land in Vandalur Reserved Forest for formation of Tambaram Eastern Bypass road branching from km 17/4 of Malmalong bridge-Irumbuliyur road from Rajakilpakkam via Agaramthen road towards Perungalathur at km 0/0-9/300 in Chengalpattu District in favour of Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-I, Chennai for a period of 50 years, under section 2 of Forest (Conservation) Act, 1980 and requested the Government to consider the same and to obtain concurrence 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 an interval of 20 meters at their cost.

- iii. The user agency has to pay the cost towards compensatory afforestation scheme over an extent of 8.92 ha of degraded forest area as per the Compensatory afforestation scheme including maintenance for a period of 10 years.
- iv. The User Agency has to pay the Net Present Value of proposed forest diversion area which will be fixed as per the guidelines of Hon'ble Supreme Court of India /Government 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 diverted forest area under the project shall be transferred/ deposited to Compensatory Afforestation Fund Management and Planning Authority fund only through e-portal (<https://parivesh.nic.in/>)
- vii. The user agency has to deposit the amount required for felling and transport of trees to be felled in the project area with the District Forest Officer concerned.
- viii. 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.
- ix. The total forest area utilized for the project shall not exceed 4.46 ha in Vandalur Reserved Forests.
- x. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies/ department or person without prior approval.
- xi. Period of lease can be fifty (50) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

9. With regard to period of lease, usually the period specified for road works is 20 years. Hence, the period for the above said proposal is recommended for 20 years, instead of 50 years as proposed by the Principal Chief Conservator of Forests.

10. The Government have examined and accept the proposal (FP/TN/Road/148656/2021) of the Principal Chief Conservator of Forests (Head of Forest Force) for diversion of 4.46 ha of forest land in Vandalur Reserved Forest for formation of Tambaram Eastern Bypass road branching from km 17/4 of Malmalong bridge-Irumbuliyur road from Rajakilpakkam via Agaramthen road towards Perungalathur at km 0/0-9/300 in Chengalpattu District in favour of the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-I, Chennai, for a period of 20 years, under section 2 of Forest (Conservation) Act, 1980 subject to the following conditions and decided to forward the same to Ministry of Environment, Forest and Climate Change, Government of India for obtaining their concurrence for the subject proposal and also for felling of 117 nos. of spontaneous trees :-

- 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 cost towards compensatory afforestation scheme over an extent of 8.92 ha of degraded forest area as per the Compensatory afforestation scheme including maintenance for a period of 10 years.
- iv. The User Agency has to pay the Net Present Value of proposed forests diversion area which will be fixed as per the guidelines of Hon'ble Supreme Court of India /Government 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 diverted forest area under the project shall be transferred/ deposited to Compensatory Afforestation Fund Management and Planning Authority fund only through e-portal (<https://parivesh.nic.in/>)
- vii. The user agency has to deposit the amount required for felling and transport of trees to be felled in the project area with the District Forest Officer concerned.
- viii. 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.
- ix. The total forest area utilized for the project shall not exceed 4.46 ha in Vandalur Reserved Forests.
- x. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies/ department or person without prior approval.
- xi. Period of lease is twenty (20) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

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
4/8/2023

for Additional Chief Secretary to Government.

Copy to:-

The Principal Chief Conservator
of Forests (Head of Forest Force),
Chennai-32.
The Divisional Engineer,
Highways,
Chennai Metropolitan
Development Plan Division-I,
Chennai – 600 025.

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 (FP/TN/Road/148656/2021) for diversion of 4.46 ha of forest land in Vandalur Reserved Forest for formation of Tambaram Eastern Bypass road branching from km 17/4 of Malmalong bridge-Irumbuliyur road from Rajakilpakkam via Agaramthen road towards Perungalathur at km 0/0-9/300 in Chengalpattu District in favour of the Divisional Engineer, Highways, Chennai Metropolitan Development Plan Division-I, Chennai, for a period of 20 years, under Section 2 of Forest (Conservation) Act, 1980 and also for felling of 117 nos. of spontaneous trees.

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)

- Recommended -

Date : 4.08.2023

Place : Chennai-9.

D. nithithi

Signature

Name & Designation
(Official Seal)

**Under Secretary to Government
Environment, Climate Change and
Forest Department
Secretariat, Chennai-600 009,**

