

By e-mail



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

Letter No.3862979/FR.10/2023-2, dated 03.07.2023

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

To

✓ The Assistant Inspector General of Forests (Central),
Government of India,
Ministry of Environment, Forests 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: Forests - Forest (Conservation) Act, 1980 – Proposal (FP/TN/Road/37283/2018) for diversion of 2.50 ha of forest land in Barigam B Reserved Forest in Dharmapuri Forest Division for formation of road from Barigam Konayankadu to Malayurkadu Village to a length of 3000m and to a width of 7.50 m in Dharmapuri District for a period of 20 years in favour of the Block Development Officer, Nallampalli Union, Nallampalli, Dharmapuri District - Forwarding of - Regarding.

Ref: 1. From the Principal Chief Conservator of Forests (Head of Forest Force), Letter No.TS3/31972/2019, dated 23.12.2022.
2. Government letter No.3862979/FR.10/2023-1,dated 09.01.2023.
3. From the Principal Chief Conservator of Forests (Head of Forest Force), Letter No.TS3/31972/2019,dated 08.02.2023.

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I am directed to enclose a copy of the references first and third cited and to state that the Principal Chief Conservator of Forests (Head of Forest Force) in his letter first cited has stated that, the Block Development Officer, Nallampalli Union, Nallampalli, Dharmapuri District has uploaded online forest clearance proposal under Section 2 of Forest (Conservation) Act, 1980 for diversion of 2.50 ha of forest land in Parigam B Reserved Forest in Dharmapuri Forest Division for formation of road from Barigam Konayankadu to Malayurkadu village to a length of 3000m and to a width of 7.50m in Dharmapuri District.

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

- i. The legal status of the proposed site of diversion of 2.50 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, name of the forest land reported as Barigam B Reserved Forest.
- ii. Density of the forest area is 0.25 and Eco class of forest area is three.
- iii. Species wise and girth class wise enumeration of trees in the area reported as 308 numbers.
- iv. On vulnerability of the forest area to erosion reported as the area already eroded and no soil to be eroded.
- v. Details of wildlife present in and around the forest land proposed for diversion reported as NIL. The forest area proposed for diversion is not 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 1km 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. Further, the District Forest Officer has reported that, the proposed road is situated approximately 26 Kms away from the boundary of newly notified Cauvery South Wildlife Sanctuary.
- 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 proposed diversion of 2.50 ha of forest land in Barigam Reserved Forest for formation of Barigam Konayankadu to Malayurkadu road in Nallampalli Taluk in Dharmapuri District, compensatory afforestation has been proposed for planting of 600 number of saplings per ha in 5.00 ha of identified non forest Compensatory Afforestation land in SF No. 692/4 of Kammampatty in Nallampalli Taluk of Dharmapuri District (3000 Nos) and 800 number of saplings per ha in 2.50 ha of degraded forest area selected in Parigam B Reserved Forest (2000 Nos).
- a. The District Forest Officer has reported that the non forest land has been inspected on 06.10.2021 and it is quite suitable for raising compensatory afforestation. It is also approachable and manageable on protection point of view. Naturally grown trees are existing in the identified Compensatory Afforestation land and looks like a forest. Due to lack of possibilities to plant the targeted saplings in this place, it has been decided to plant the remaining saplings in the degraded forest area of Dharmapuri Range in Parigam B Reserved Forest.

- b. Compensatory Afforestation scheme cost proposed by the District Forest Officer is as follows:-

i)a)	Compensatory Afforestation scheme in 5.00 ha of non-forest Compensatory Afforestation land @ 600 numbers per ha including maintenance of plantation for 10 year period (3000 plants) –	Rs.39,33,914/-
b)	Chain link fencing around plantation to prevent biotic pressure - Protection of Compensatory Afforestation plantation	Rs.23,78,860/-
	Sub total	Rs.63,12,774/-
ii)a)	Compensatory Afforestation scheme in 2.50 ha of degraded forest Compensatory Afforestation area in Parigam B RF@ 800 numbers per ha including maintenance of plantation for 10 year period (2000 Nos)	Rs.28,05,246/-
	Sub total	Rs.28,05,246/-
	Grand total of CA scheme	Rs.91,18,020/-

- c. The District Forest Officer has furnished the cost estimate of the Compensatory Afforestation scheme and area marked in the Survey of India topo sheet and surveyed sketch of the proposed Compensatory Afforestation area in geo-referenced map for the non forest Compensatory Afforestation land. Site suitability certificate of the Compensatory Afforestation area has also been furnished by the District Forest Officer.
- ix. In the site inspection report, the District Forest Officer, Dharmapuri Division has reported that, proposed site inspected on 06.10.2021 and the user agency has not yet commenced any work in the field therefore the question of violation of the provisions of Forest (Conservation) Act, 1980 does not arise and there is no encroachment in this area. The forest land required for the project is not part of any National Park / Wildlife Sanctuary / Biosphere. The proposed road alignment lies in the Parigam B Reserved Forest. In the alignment of the proposed road, there exist 308 numbers of trees, which are spontaneous growth in nature and requires felling. The proposed road is to be laid to a length of 3000m to a width of 7.50m.
- x. In the Specific Recommendation of the project, the District Forest Officer, Dharmapuri Division has reported that, the proposal submitted by the user agency for diversion of forest land for formation of road from Barigam Konayankadu to Malayurkadu road in Nallampalli Taluk of Dharmapuri District lies in Parigam B Reserved Forest. In the alignment of the proposed road, no right of way was admitted in Parigam B Reserved Forest notification. The proposed road connects Malayurkadu, Moolakkadu villages with Barigam Konayankadu villages. Currently the people of Barigam and Konayankadu villages facing difficult situation to travel around the Reserved Forest for about 40 km distance via, Jarugu, Arakkasanahalli, Chinnampalli and Perumpalai villages to reach Malayurkadu village. The proposed road cut short that distance between Barigam and Malayurkadu village to just 3 km. This is the long-lasting demand by the village peoples. This demand has also been raised in the Legislative Assembly often. The work will be permitted under strict supervision of the Forest

Officers. Possible damage to wild flora and fauna due to this project is very low. Considering the facts and field observations, the District Forest Officer has recommended the proposal for seeking diversion of land.

3. The Conservator of Forests, Dharmapuri Circle has inspected the area on 30.11.2021 and endorsed the details provided by the District Forest Officer and recommended the proposal for the welfare of the people living in Malaiyurkadu and Moolakadu villages.

4. 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, Dharmapuri Division and the Conservator of Forests, Dharmapuri Circle have recommended the diversion of forest area for a period of 10 years. Forest area diversion proposals for road works are being recommended for a period of 20 years. Hence this forest area diversion is recommended for a period of 20 years.

5. The Principal Chief Conservator of Forests (Head of Forest Force) further stated that, the proposal is sent 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.

6. Based on the recommendation made by the District Forest Officer, Dharmapuri Division and Conservator of Forests, Dharmapuri Circle, the Principal Chief Conservator of Forests has recommended the proposal for diversion of 2.50 ha of forest land in Barigam B Reserved Forest in Dharmapuri Forest Division for formation of road from Barigam Konayankadu to Malayurkadu Village to a length of 3000 m and to a width of 7.50 m in Dharmapuri District in favour of the Block Development Officer, Nallampalli Union, Nallampalli, Dharmapuri District, under section 2 of Forest (Conservation) Act, 1980, for a period of 20 years and requested the Government to forward the same to Government of India for obtaining the 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 mutate and transfer 5.00 ha of non-forest land identified in SF No.692/4 of Kammampatty Village of Nallampalli Taluk in Dharmapuri District to the Forest Department.
- iv. The User Agency has to pay the cost of Raising Compensatory Afforestation / Maintenance of plantation, protection of plantation etc., as fixed by the Forest Department and willingness to deposit additional amounts if any suggested as amended owing to the change in planting technique, enhancement in the FSR etc., demanded subsequently.
- v. 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.
- vi. 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.

vii. 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/>)

viii. The User Agency has to obtain permission from the Hon'ble Supreme Court of India for felling of 308 number of spontaneous trees growth in the forest area proposed for diversion for the project proposal.

ix. The User Agency has to pay the cost towards felling and transportation cost of trees to be cut in the project area to the District Forest Officer, Dharmapuri Division for immediate execution of the felling of trees work after getting necessary permission for felling of trees.

x. 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.

xi. The total forest area utilized for the project shall not exceed 2.50 ha for with a length of 3000 m and width of 7.50m in Parigam B Reserved Forest.

xii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies / department or person without prior approval of State Government.

xiii. 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.

7. As requested in the Government letter second cited, the Principal Chief Conservator of Forests in his letter third cited has furnished the District Collector's Certificate in respect of the process of settlement of rights under Forest Rights Act, 2006 in the prescribed format.

8. Further, with regard to the above condition no.viii proposed by the Principal Chief Conservator of Forests, it is submitted that, the Hon'ble Supreme Court of India in its order dated 11.01.2023 in I.A. Nos.168320/2022 and 168313/2022 and 191583/2022 have recalled the order requiring permission of the Supreme Court for felling of trees in all forest areas in respect of any road projects initiated by NHAI or any other instrumentality of the State, which involves cutting of up to 500 trees subject to the following conditions: -

i. Such felling shall be done only after necessary approval under Forest (Conservation) Act, 1980, Forest (Conservation) Rules, 2022, Compensatory Afforestation Fund Act 2016 and Compensatory Afforestation Fund Rules 2018 are obtained from the competent authority under the said enactments.

ii. The projects would be permitted only after the concurrence of the Integrated Regional Office (IRO), Chennai.

iii. While granting such permission, the authorities also should provide for necessary mitigation measures for ensuring free flow of the wildlife from one part of the forest to the other whenever such forest is divided by road.

9. Therefore, the concurrence of the Government of India for felling of 308 spontaneous trees for this project is to be obtained.

10. The Government have examined and accept the proposal (FP/TN/Road/37283/2018) of the Principal Chief Conservator of Forests (Head of Forest Force) for diversion of 2.50 ha of forest land in Barigam B Reserved Forest in Dharmapuri Forest Division for formation of road from Barigam Konayankadu to Malayurkadu Village to a length of 3000 m and to a width of 7.50 m in Dharmapuri District in favour of the Block Development Officer, Nallampalli Union, Nallampalli, Dharmapuri District, for a period of 20 years, subject to the conditions as mentioned at para 6 above, except condition No.viii, 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 for the subject proposal and also for felling of 308 spontaneous trees for this project and communicate the same to this Government, early.

Yours faithfully,

M. Magala
6/7/2023

for Additional Chief Secretary to Government.

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04/7/2023

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/37283/2018) for diversion of 2.50 ha of forest land in Barigam B Reserved Forest in Dharmapuri Forest Division for formation of road from Barigam Konayankadu to Malayurkadu Village to a length of 3000m and to a width of 7.50 m in Dharmapuri District for a period of 20 years in favour of the Block Development Officer, Nallampalli Union, Nallampalli, Dharmapuri District under section 2 of Forest (Conservation) Act, 1980.

18. Recommendation of the State Government

Recommended-

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

Date : 06.07.2023

Place : Chennai-9.

[Handwritten Signature]
06/07/2023

Signature
Name & Designation
(Official Seal)

Deputy Secretary to Government
Environment, Climate Change and Forest Department
Secretariat, Chennai-09

