

By online / Email.

TAMILNADU FOREST DEPARTMENT

From

To

Thiru Ashok Upreti, I.F.S.,
Principal Chief Conservator of Forests,
(Head of Department)
Panagal Maaligai, Saidapet,
Chennai - 15.

The Principal Secretary to Government,
Environment, Climate Change and
Forests Department,
Secretariat,
Chennai 9.

Ref. No. TS3/11166/2020 Dated: 01.09.2021.

Madam,

Sub: Forest (Conservation) Act, 1980 - Chennai Forest Circle /
Kancheepuram Forest Division – Proposal for diversion of
0.28 ha of forest land in Kattur RF for relaying and periodical
maintenance of Sembakkam road from km 0/0 to 0/400 in
Chengalpattu District in favour of Divisional Engineer,
Highways, Construction and Maintenance, Chengalpattu –
Forwarding Off - Regarding

- Ref: 1 Online application uploaded by the User Agency -
The Divisional Engineer, Highways Department,
Construction and Maintenance, Chengalpattu Proposal No.
FP/TN/Road/ 44964/2020
- 2 Principal Chief Conservator of Forests letter No.
TS3/11166/2020 dated 08.01.2021.
- 3 Part-II of Form-A uploaded by the District Forest Officer on
12.02.2021 and EDS replies furnished
- 4 Part-III of Form-A uploaded by the Chief Conservator of
Forests Chennai Circle on 24.02.2021 and EDS replies
furnished

I wish to state that the Divisional Engineer, Highways Department,
Construction and Maintenance, Chengalpattu has uploaded online application under
Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.28 ha of forest land
in Kattur RF of Kancheepuram Forest Division area for relaying and periodical
maintenance of Sembakkam road km 0/0 to 0/400 in Chengalpattu District under
proposal No. FP/TN/Road/ 44964/2020.

1) The User Agency has uploaded the proposal in the prescribed format of Form A - Part I - under Section 2 of the Forest (Conservation) Act, 1980 for diversion of fresh forest area.

i) Name of the project in which forest land required reported as diversion of forest land for relaying and periodical maintenance of Sembakkam road km 0/0 to 0/400 in Chengalpattu District

ii) The User Agency has reported that area required in forest area is for 0.28 ha., and non forest land required for the project is Zero ha.,

iii) The User Agency has proposed the forest area diversion for a period of 99 years.

iv) In the section of uploading details of proposal seeking prior approval of Central Government under the Act for diversion of forest land for the project already submitted in the past reported as NIL

v) Diversion of 0.28 ha of forest has been requested in Chengaplattu-Kancheepuram Forest Division of Chengalpattu District. Name of the village in which forest land requested has been reported as Sembakkam.

vi) The User Agency has furnished the component wise breakup details of land required for the project as road.

In the area requirement statement for the project, the user agency has furnished the details of area required as 400 m length and 3.75m width in Block top surface and 1.625m width on either side for shoulders (total width 7.00m) ie., 2800 sq.m or 0.28 ha of forest area.

vii) Location map of the forest land proposed to be diverted in kml file of google earth, Scanned copy of Survey of India topo sheet indicating the boundary of forest land proposed to be diverted, Scanned copy of Geo referenced location details and DGPS co-ordinates of the proposed alignment path have been furnished.

viii) The user agency has uploaded note containing justification for locating the project in forest area.

ix) The User Agency has stated that this project is likely to generate permanent/regular employment for 50 persons and temporary employment for 20 persons, this project does not involve displacement of people due to the project, cost benefit analysis for the project is not required, not requires clearance under the

Environment (Protection) Act, 1986 and the project or part thereof is not located in any protected area or their Eco sensitive zone.

x) The User Agency has uploaded a copy of Forest Rights Act 2006 certificate issued by the District Collector of Kancheepuram District in Rc. No. 2100/2020/B2, dated 05.10.2020 for the work in Kattur RF for relaying and periodical maintenance of Sembakkam road at km 0/0 to 0/4 for 2800 sq.m area.

xi) In the additional information details section, following documents/ certificates/ undertakings have been uploaded.

a) Certificate issued by the District Collector about No alternate non forest land available for the project proposed in the forest area.

b) Area breakup details of forest area requirement.

Length – 400m, BT portion Width - 3.75m and shoulder width on either side @ 1.625m -- Area - 0.28 ha or 2800 sq.m

c) Certified that there is no suitable alternative non-forest land available for the project.

d) Certified that the request diversion of forest land for the project proposal is designed for minimum forest area involvement.

e) Certified that the work is proposed in Sembakkam Revenue village, Thiruporur Firka.

f) Undertaking to deposit the cost towards compensatory afforestation scheme and willingness to deposit additional amount if any suggested owing to change in planting technique and enhancement of FSR etc., demanded subsequently.

g) Undertaking to pay the amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India.

h) Undertaking to bear the additional 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

i) Undertaking to pay the cost towards lease rent fixed by the Forest Department at the time of sanction along with any escalation for the forest land to be diverted for this project.

j) Undertaking to bear the cost of felling of trees and transportation cost of the trees likely to be removed, those available in the alignment path for the proposed diversion of forest land as fixed by the Forest Department.

k) Certified that no work in violation of the Forest Conservation Act 1980 has been carried out for the work of Relaying and periodical maintenance of project proposal.

l) The user agency has stated about the non applicability of non-forest CA land for Central Government agency work execution in the forest areas.

m) DGPS co-ordinates of the road area – Left, Centre and Right of the road for 400m length

n) Certified that ten times of saplings cost would be paid towards the number of trees proposed to be cut, which falls on the forests alignment.

2) The proposal was forwarded to the District Forest Officer, Kancheepuram Division on 21.01.2021 for necessary follow up action.

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

i) The legal status of the proposed site of diversion of 0.28 ha of forest land requested for the project is Reserved Forest area.

As per site inspection report, name of the forest land is “Kattur Reserved Forests” and extent of area proposed for diversion is 0.28 ha

ii) The District Forest Officer has reported that, density of the forest area is Zero and Eco class of forest area is four

iii) As per the details uploaded in the table of species-wise girth-class wise enumeration of trees, there is no trees available in the proposed forest diversion area.

iv) Vulnerability of the forest land proposed for diversion reported as NIL.

v) The forest area proposed for diversion is not forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor, Wildlife migration corridor etc., and not located within 1 km boundary of NP/WLs etc., for the forest land proposed for diversion and not located within the eco-sensitive zone of the protected area notified under Wildlife (Protection) Act, 1972.

The District Forest Officer has reported that Spotted deer, Peacock, Rabbit are present in and around the forest area 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) Proposed forest area diversion is 0.28 ha and there is no felling of trees involved. The District Forest Officer has proposed compensatory afforestation scheme for 0.56 ha of degraded forest area in Kattur RF by planting of 560 seedlings with 10 year maintenance of plantation at a scheme cost of Rs. 11.42 lakhs.

ix) In the site inspection report and specific recommendation of the project proposal, the District Forest Officer has reported the following.

a) This proposal is for diversion of 0.28 Ha of forest land in Kattur Reserved Forests of Kanchccpuram Forest Division for the relaying and periodical maintenance of Scmbakkam road 0/0 to 0/4 kms. The general public has been using the route from longtime. The road passes through for 0.28 Ha of forest land in Kattur RF, Tiruporur Range. The said area was inspected by me on 11.02.2021.

b) The length of the present stretch of requested road has only one reach of 400mtrs length (0/0 to 0/4) $400 \times 3.75 = 1500 \text{ M}^2$ and shoulder width of 1.625 mts. either side $2 \times 1.625 \times 400 = 1300 \text{ M}^2$. The width of the road proposed for diversion is 3.75mtrs according to the guidelines. Total area requested for diversion is $1500 \text{ M}^2 + 1300 \text{ M}^2 = 2800 \text{ M}^2$ (or) 0.28 Ha.

c) On inspection, it was found that the road was already laid long time back in forest area and there are no proper records available on when the road was formed with the user agency. Also, the requested forest stretch is in continuation of the already existing road which leads to Sembakkam Village. The present forest area stretch of 400 mtrs was also last maintained during 2012 along with rest of the village road in violation to Forest Conservation Act by Highways Department, Chengalpattu. Considering the above facts, penal action may be taken as per

Government of India, Ministry of Environment, Forests and Climate Change, Ref. No. F.No.11-42 /2017-FC, dated 29/01/2018 or other rules as deemed fit.

d) Now the Divisional Engineer (H) C&M, Chengalpattu has applied for diversion of this forest land for relaying and periodical maintenance of above said road stretch. User agency has submitted necessary undertaking on Compensatory Afforestation Expenditure, NPV, Additional Net Present Value and lease Rent. There is no tree growth along the proposed forest area for diversion. The road is highly essential for providing access to the people of Sembakkam village.

e) Taking into consideration the above facts, the proposed diversion of 0.28 ha area in Kattur Reserved Forest is recommended with the penal action as stated above.

3) The Chief Conservator of Forests, Chennai Circle has inspected the proposed forest diversion area on 18.02.2021 and reported that, it is an already existing road being used by public from a very long time. The existing road is to a length of 400m and 3.75m in breadth with shoulder width of 1.625m on either side. The area requested for diversion is 0.28 ha for maintenance of the tar road with shoulders.

a) On inspection it was found that road was laid way back and there is no proper records available as to when the road was formed by the user agency. The requested road in Reserve Forest area is in continuation of road which leads to Sembakkam village and it was maintained in 2012 which is a violation of Forest Conservation Act.

b) The road is very essential for providing access and facilitating mobility to the public of Sembakkam village. Taking into consideration the above facts, the proposed diversion of 0.28 ha in Kattur RF is recommended.

4) On the reported violation, in reply to the EDS query of the proposal, the District Forest Officer has reported the following.

a) Explanation on the reported violation was requested from the user agency and the user agency has informed that the above road was formed in the year 1974. As per the extract copy of the list of roads taken over by the Government from 1960-1991 submitted by the Divisional Engineer (H), Construction and Maintenance, Chengalpattu, the Sembakkam road (1.60km) was enlisted in Item No. 4 and it was improved by the order of CE memo 83205/dated 19.10.74. They

have also informed that in the proposal of relaying and periodical maintenance of Sembakkam road km 0/0-0/400 it was mentioned that the road was maintained during 2012, but the stretch from km 0/0-0/400 falling in Kattur RF was excluded due to the objection of the forest officials and the balance non-forest area km 0/4-1/6 was only maintained during the year 2012.

b) The Forest Range Officer, Tiruporur Range has reported that the condition of 400m road stretch running in the Reserved Forest is very bad when compared to the remaining road stretch of 1200m running outside forest area. During inspection also it was noticed that the 400m stretch of road running in the forest area is in very bad shape. Hence the reply of the user agency may be accepted. There is no right of way available for the present road. The road width now available in the forest area is 3.75m and shoulder width of 1.625m either side. As per the report submitted by the user agency, the road was formed in the year 1974 and the road stretch of 400m running in the Reserved Forests was not maintained during 2012. The District Forest Officer has accepted the above report and forwarded the forest clearance proposal.

5) The User Agency has requested forest area diversion for a period of 99 years. The District Forest Officer, Kancheepuram Division and the Chief Conservator of Forests, Chennai Circle have recommended the forest area diversion for a period of 20 years

Based on the recommendations made by the District Forest Officer and Chief Conservator of Forests, diversion of forest area for the project proposal may be recommended for a period of 20 years.

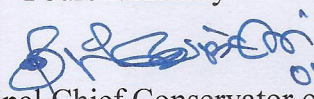
6) As recommended by the District Forest Officer, Kancheepuram Division and Chief Conservator of Forests, Chennai Circle, the proposal for diversion of 0.28 ha of forest land in Kattur RF of Kancheepuram Forest Division area for relaying and periodical maintenance of Sembakkalm road km 0/0-0/400m in Chengalpattu District area in favour of Divisional Engineer, Highways, Construction and Maintenance, Chengalpattu is recommended to the Government for according approval under the power vested with State Government for according approval in General approval category of critical public utility and welfare projects undertaken by the Government, subject to the following conditions.

- a) The legal status of the diverted forest land remains unchanged.
- b) 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.
- c) The cost of compensatory afforestation at the prevailing wage rates as per the compensatory afforestation scheme with maintenance of plantation shall be deposited by the user agency at their project cost.
- d) 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.
- e) 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.
- f) 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/>)
- g) 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.
- h) The total forest area utilized for the project shall not exceeds 0.28 ha comprising the forest area to a length of 400m and to a width of 7.00m (including shoulder width).
- i) Speed regulating signage shall be erected along the road at regular intervals in the forest area at the cost of user agency.
- j) 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.
- k) 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.
- l) 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.
- m) Period of lease can be twenty (20) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

6) The proposal is sent herewith 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. I request that the proposal may be considered and Stage-I approval of Government may be issued for diversion of 0.28 ha of forest land in Kattur RF of Kancheepuram Forest Division area for relaying and periodical maintenance of Sembakkalm road km 0/0-0/400m in Chengalpattu District area in favour of Divisional Engineer, Highways, Construction and Maintenance, Chengalpattu for a period of twenty years.

Encl: As stated above.

Yours faithfully


For Principal Chief Conservator of Forests
(Head of Department)

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1/09/2021

PART - IV

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

Name of the work : Forest (Conservation) Act, 1980 – Chennai Circle /
Kancheepuram Forest Division – Proposal for diversion of 0.28 ha of forest land in
Kattur RF for relaying and periodical maintenance of Sembakkam road km 0/0 to
0/400 in Chengalpattu District in favour of Divisional Engineer, Highways,
Construction and Maintenance, Chengalpattu - Proposal No. FP/TN/Road/
44964/2020

17	Detailed opinion and 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

2/2

Signature :

Dr. V. Naganathan

Name Designation : Dr. V. Naganathan, I.F.S.,
Additional Principal Chief Conservator of Forests
(Forest Conservation Act), O/o the Principal Chief
Conservator of Forests (Head of Department), Chennai.

Date : *25* -08-2021

Place: Chennai-15.