

By online / E-mail.

TAMILNADU FOREST DEPARTMENT

From

To

Thiru Syed Muzammil Abbas, I.F.S.,  
Principal Chief Conservator of Forests,  
(Head of Forest Force)  
Panagal Maaligai, Saidapet,  
Chennai - 15.

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

C. No. TS3/18050/2022 Dated: 01.08.2022.

Madam,

Sub: Forest (Conservation) Act, 1980 – Proposal for diversion of 0.6996 ha of forest land in Naduhatti Reserved Forests of Nilgiris Forest Division for formation of cement concrete road to a length of 2332m to a width of 3.00m through the Naduhatty Reserved Forest area from the Kallaty road at Naduhatty Village Panchayat road in The Nilgiris District to access patta lands for cultivation purpose in favour of Block Development Officer (VP), Kothagiri Block, Kothagiri, The Nilgiris District - Proposal forwarding off - Regarding.

- Ref: 1 Online application uploaded by the Block Development Officer (VP), Kothagiri Block, Kothagiri, The Nilgiris District – Proposal No. FP/TN/Road/156883/2022 dated 14.06.2022 and re-submission of proposal on 20.06.2022
- 2 Part-II of Form-A uploaded by the District Forest Officer, Nilgiris Forest Division on 07.07.2022 and EDS reply uploaded on 22.07.2022
- 3 Part-III of Form-A uploaded by the Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam on 07.07.2022 and EDS reply uploaded on 22.07.2022

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I wish to state that the Block Development Officer (VP), Kothagiri Block, Kothagiri, The Nilgiris District has uploaded online forest clearance proposal under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.6996 ha of forest land in Naduhatti Reserved Forests of Nilgiris Forest Division for formation of cement concrete road to a length of 2332m to a width of 3.00m through the Naduhatty Reserved Forest area from the Kallaty road at Naduhatty Village Panchayat road in

The Nilgiris District to access patta lands for cultivation purpose under proposal No. FP/TN/Road/156883/2022.

1) Brief details of the project are given below.

i) 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.

ii) Name of the project in which forest land required reported as, formation of cement concrete road at Kallaty road at Naduhatty village panchayat.

iii) In the short narrative of the proposal for which forest land is required, the User Agency has stated that formation of cement concrete road from Kallaty road to a length of 2332m and width of 3.00m.

iv) Category of the project reported as Road and shape of the project reported as Linear. Estimated cost of the project reported as Rs. 124 lakhs.

v) Area required in forest area is for 0.70 ha., and non forest land required for the project is Zero ha.,

vi) The User Agency has proposed the forest area diversion for the project for a period of 20 years.

vii) On behalf of user agency (Block Development Officer (VP), Kothagiri Union, Kothagiri, The Nilgiris District) the present incumbent Officer has uploaded the proposal. Legal status of the User Agency is State Government (Department). Authorisation issued by the Project Director, District Rural Development Agency, The Nilgiris District has been uploaded in the proposal.

viii) 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

ix) Diversion of 0.70 ha of forest has been requested in Nilgiris (North) Forest Division area in The Nilgiris District. Name of the village reported as Naduhatty. The User Agency has furnished the component wise breakup details of land required for the project as formation of cement concrete road.

x) The user agency has uploaded location map of the forest land proposed to be diverted in kml file of google earth for the work, scanned copy of Survey of India topo

sheet, scanned copy of Geo referenced location details of the forest land proposed to be diverted along with GPS co-ordinates.

xi) The user agency has uploaded a copy of note containing justification for locating the project in forest area.

In the justification of the project for locating in Reserved Forest area, the user agency has reported that the road is already existing in the RF as coupe road which is only access for the user agency to enter the patta land of villagers for cultivation purpose. There is no alternate route/access to enter to the patta lands. Hence the project is located through the Reserved Forests

xi-i) The User Agency has not furnished the copy of alternative examined for the project and reason for not providing the map reported as NIL.

In the EDS reply to the project proposal, the user agency has stated that there is no other road facility to go to these agricultural lands which are located beyond the Naduhatty RF. This coupe road that runs through this forest is the only way to get to those farmlands. So there is no need to put this map as there is no other way to go to those lands.

xii) The User Agency has stated that this project is likely to generate permanent/ regular employment for 400 persons and temporary establishment for 100 persons.

xiii) The User Agency has stated that this project does not involve displacement of people due to the project, cost-benefit analysis for the project is not required, this project not requires clearance under the Environment (Protection) Act, 1986.

xiv) The User Agency has stated that the project or part thereof is not located in any protected area or their Eco sensitive zone and this project or a part thereof is not located in a Scheduled area.

xv) The User Agency has uploaded a copy of certificate issued by the District Collector, The Nilgiris District on 10.06.2022 on completion of process for settlement of rights under Forest Rights Act 2006 on the forest land proposed to be diverted. However, the certificate issued by the District Collector is not in the format prescribed by the Government of India under the Act.

The Nilgiris District to access patta lands for cultivation purpose under proposal No. FP/TN/Road/156883/2022.

1) Brief details of the project are given below.

i) 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.

ii) Name of the project in which forest land required reported as, formation of cement concrete road at Kallaty road at Naduhatty village panchayat.

iii) In the short narrative of the proposal for which forest land is required, the User Agency has stated that formation of cement concrete road from Kallaty road to a length of 2332m and width of 3.00m.

iv) Category of the project reported as Road and shape of the project reported as Linear. Estimated cost of the project reported as Rs. 124 lakhs.

v) Area required in forest area is for 0.70 ha., and non forest land required for the project is Zero ha.,

vi) The User Agency has proposed the forest area diversion for the project for a period of 20 years.

vii) On behalf of user agency (Block Development Officer (VP), Kothagiri Union, Kothagiri, The Nilgiris District) the present incumbent Officer has uploaded the proposal. Legal status of the User Agency is State Government (Department). Authorisation issued by the Project Director, District Rural Development Agency, The Nilgiris District has been uploaded in the proposal.

viii) 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

ix) Diversion of 0.70 ha of forest has been requested in Nilgiris (North) Forest Division area in The Nilgiris District. Name of the village reported as Naduhatty. The User Agency has furnished the component wise breakup details of land required for the project as formation of cement concrete road.

x) The user agency has uploaded location map of the forest land proposed to be diverted in kml file of google earth for the work, scanned copy of Survey of India topo

Sambar deer, Wild boar, Porcupine, Barking deer, Black naped hare, and wild dog movements noticed in the proposed area.

Now the Human wildlife conflict mitigation plan has been prepared by the District Forest Officer and approval of the Principal Chief Conservator of Forests and Chief Wildlife Warden for the proposed human wildlife mitigation plan is awaited.

In this regard, the user agency has furnished undertaking to bear the cost towards human wildlife mitigation plan.

2) The District Forest Officer, Nilgiris Forest Division has forwarded the proposal along with Site Inspection report and recommendation of the proposal to the Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam on 07.07.2022.

Details furnished in the Part-II of Form A by the District Forest Officer, Nilgiris Forest Division is furnished below.

i) The legal status of the proposed site of diversion of 0.6996 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 Naduhatty RF.

ii) The District Forest Officer has reported that, density of the forest area is 0.15 and Eco class of forest area is one.

iii) In the Part-II of Form-A, the District Forest Officer has reported that species wise and girth class wise enumeration of trees in the area is NIL. Hence there is no felling of trees of planted or spontaneous tree growth involved in the project.

iv) On vulnerability of the forest area to erosion reported as slope grading of the site is less than 33%, therefore forest area will not be affected by the soil erosion.

v) The District Forest Officer has reported that Tiger, Leopard, Indian Guar, Sambar deer, Wild boar, Indian Porcupine, Barking deer, Black naped hare, Wild dog are present in and around the forest land proposed for diversion. 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 1 km boundary of NP/WLs etc., for the forest land proposed for diversion. Rare/ endangered/ unique species of flora and fauna are found in the area.

As per the guidelines issued by the Government of India under the Act, subject to production of certificate from the District Collector under Forest Rights Act in the format prescribed under the Forest Conservation Act, 1980 before the issue of Stage-II final approval for the project proposal, this forest clearance proposal has been processed.

xvi) Under the section of details of land identified for compensatory afforestation, the User Agency has not furnished the details of compensatory Afforestation land to be provided to the Forest Department in lieu of diversion of forest land required for the work and reason stated to be not applicable.

xvii) In the additional information details section, the user agency has uploaded following document/certificates/undertakings/details.

a) Undertaking for the payment of Net present Value as fixed by Hon'ble Supreme Court of India.

b) Undertaking to remit the annual lease rent for the project

c) Undertaking for the payment of cost of felling trees and transportation charges of the trees likely to be removed those available in the alignment path.

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

e) Certified that no violation of the provisions of the Forest (Conservation) Act, 1980 occurred in the proposed project area.

f) Undertaking to pay the cost towards compensatory afforestation scheme for the project.

g) Certificate issued by the District Collector that no alternate suitable non forest and is available for the project.

h) Authorisation issued by the Project Director to the project proponent.

i) Survey of India topo sheet of the area.

j) Undertaking to pay the additional amount of Net present Value if any becoming due after revision by the Hon'ble Supreme Court of India in future.

k) In the recommendation of the project, the District Forest Officer, Nilgiris Forest Division has recommended that the user agency shall submit human wildlife conflict mitigation plan, since the wild animals like Tiger, Leopard, Indian guar,

Sambar deer, Wild boar, Porcupine, Barking deer, Black naped hare, and wild dog movements noticed in the proposed area.

Now the Human wildlife conflict mitigation plan has been prepared by the District Forest Officer and approval of the Principal Chief Conservator of Forests and Chief Wildlife Warden for the proposed human wildlife mitigation plan is awaited.

In this regard, the user agency has furnished undertaking to bear the cost towards human wildlife mitigation plan.

2) The District Forest Officer, Nilgiris Forest Division has forwarded the proposal along with Site Inspection report and recommendation of the proposal to the Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam on 07.07.2022.

Details furnished in the Part-II of Form A by the District Forest Officer, Nilgiris Forest Division is furnished below.

i) The legal status of the proposed site of diversion of 0.6996 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 Naduhatty RF.

ii) The District Forest Officer has reported that, density of the forest area is 0.15 and Eco class of forest area is one.

iii) In the Part-II of Form-A, the District Forest Officer has reported that species wise and girth class wise enumeration of trees in the area is NIL. Hence there is no felling of trees of planted or spontaneous tree growth involved in the project.

iv) On vulnerability of the forest area to erosion reported as slope grading of the site is less than 33%, therefore forest area will not be affected by the soil erosion.

v) The District Forest Officer has reported that Tiger, Leopard, Indian Guar, Sambar deer, Wild boar, Indian Porcupine, Barking deer, Black naped hare, Wild dog are present in and around the forest land proposed for diversion. 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 1 km boundary of NP/WLs etc., for the forest land proposed for diversion. Rare/ endangered/ unique species of flora and fauna are 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) Forest area proposed for diversion is 0.6996 ha and there is no felling of trees involved.

For the proposed diversion of 0.6996 ha of forest land in Naduhatty RF for formation of cement concrete road to a length of 2332m to a width of 3.00m through the Naduhatty Reserved Forest area from the Kallaty road at Naduhatty Village Panchayat road in The Nilgiris District to access patta lands for cultivation purpose, compensatory afforestation has been proposed in 1.00 ha of degraded forest area of Kambatty RF by planting of 100 number of misc seedlings along with maintenance of plantation over a period of 10 year period at a cost of Rs. 4,51,132/- and furnished the cost estimate of the CA scheme and area marked in the Survey of India topo sheet and surveyed sketch of the proposed CA area in geo-referenced map. Site suitability certificate of the CA area has also been furnished by the District Forest Officer.

The District Forest Officer, Nilgiris Forest Division has proposed Compensatory afforestation scheme as per the guidelines issued under Para 2.6 of the hand book of Forest Conservation Act 1980 issue by the Government of India during 2019 as this proposal involves diversion of forest land up to one ha and no felling of trees involved.

ix) In the site inspection report, the District Forest Officer has reported the following.

a) The area of the proposed project has been inspected on 05.07.2022. The user agency has requested for formation of cement concrete road at Naduhatty Kallaty road of Naduhatty panchayat through the forest land over an extent of 0.6996 ha in SF No. 889 of Naduhatty RF.

b) During the field inspection it was noticed that the length of the road through forest (0/00to 1/530m & 1/718m to 2/520m) is 2332m and a width of the road is 3.00m to an extent of 0.6996 ha of forest land involved in this project and there is neither spontaneous tree growth nor any plantations in the proposed site. Wild animals

like Tiger, Leopard, Indian Guar, Sambar deer, Wild boar, Indian Porcupine, Barking deer, Black naped hare, Wild dog movement is recorded in the proposed area.

c) The proposed project will lead to increase in movement of vehicles. It will lead to increase in disturbance to wild animals in the area and also may increase human-wildlife conflict. Therefore mitigation measures to reduce disturbance to wild animals and manage human-wildlife conflict are required. Increased public movement will also increase disturbance to ecosystem and biodiversity. User agency also needs to have plan for human wildlife mitigation measure.

d) In this regard, the District Forest Officer, Nilgiris Forest Division has prepared and submitted a human wildlife conflict mitigation plan for the project area to the Principal Chief Conservator of Forests and Chief Wildlife Warden vide his letter No 5681/2022/D1, dated 20.07.2022 for approval.

x) In the Specific Recommendation of the project, the District Forest Officer, Nilgiris Forest Division has recommended with specific conditions to be stipulated among other the User agency shall submit human wildlife conflict mitigation plan, existing ban orders issued by the appropriate authority will be applicable, movement of wildlife should not be disturbed, monthly report of compliance of conditions stipulated should be furnished to the District Forest Officer.

3) The Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam has inspected the area on 07.07.2022 and the proposal has been recommended stating since no other alternate route is available other than this existing coupe road in the Reserved Forest to go to the agricultural lands which are located beyond the said Reserved Forest to usual terms and conditions applicable.

4) The User Agency has requested forest area diversion for a period of 50 years. The District Forest Officer, Nilgiris Forest Division and the Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam have recommended the diversion of forest area for a period of 30 years.

Based on the recommendations made by the District Forest Officer and Conservator of Forests and Field Director, diversion of forest land has been recommended for 30 years.

5) State Government may accord diversion of forest land of less than one hectare in each case for non forestry purposes under the Forest (Conservation) Act,

1980, for creation of critical development and security related infrastructure of Government Departments under the general approval of Section 2 of Forest (Conservation) Act, 1980 guidelines. Construction and widening of road is one of the work allowed under general approval list. Hence this project proposal may be approved by the State Government.

6) Based on the recommendation made by the District Forest Officer, Nilgiris Forest Division and Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam, proposal received for diversion of 0.6996 ha of forest land in Naduhatti Reserved Forests of Nilgiris Forest Division for formation of cement concrete road to a length of 2332m to a width of 3.00m through the Naduhatty Reserved Forest area from the Kallaty road at Naduhatty Village Panchayat road in The Nilgiris District to access patta lands for cultivation purpose seeking approval under Section 2 of Forest (Conservation) Act, 1980 from the Block Development Officer (VP), Kothagiri Block, Kothagiri, The Nilgiris District is furnished to the Government for consideration of the Government 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 1.00 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. The user agency has to furnish undertaking to this effect.

vi) The user agency has to bear the cost towards human wildlife conflict mitigation plan approved by the Principal Chief Conservator of Forests and Chief Wildlife Warden.

vii) Amount of Compensatory afforestation scheme, Net Present Value of diverted forest area under the project, human wildlife conflict mitigation plan shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>)

viii) The user agency shall furnish the District Collector certificate on completion of process for settlement of rights under Forest Rights Act, 2006 on the forest area proposed for diversion in the format prescribed by the Government of India before Stage-II approval.

ix) 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.

x) The total forest area utilized for the project shall not exceeds 0.6996 ha for with a length width of 2332 m and width of 3.00m in Naduhatty RF (from 0/00m to 1/530m & 1/718m to 2/520m).

xi) Existing ban orders issued by the appropriate authority from time to time will be applicable and the user agency shall follow.

xii) Movement of wildlife should not be disturbed and the user agency shall take adequate precaution to avoid any damage to the flora and fauna, monthly report of compliance of conditions stipulated should be furnished to the District Forest Officer.

xiii) No breaking of fresh forest land should be carried out other than the permission sought for. No chemical explosive should be used. Unwanted material should not been dumped inside the forest area. The user agency shall abide the condition.

xiv) The forest land proposed to be diverted shall under any circumstances be transferred to any other agencies/department or person without prior approval.

xv) If any maintenance work is under taken, the user agency shall seek written permission for the District Forest Officer.

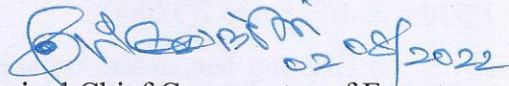
xvi) The user agency shall furnish compliance report in the MoEF&CC web portal.

xvii) Period of lease can be thirty (30) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

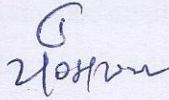
7) The proposal is sent herewith duly recommended by the Additional Principal Chief Conservator of Forests (Forest Conservation Act)/ Nodal Officer of Forest (Conservation) Act, 1980 of the State of Tamil Nadu. I request that the proposal may be considered and approval may be issued for diversion of 0.6996 ha of forest land in Naduhatti Reserved Forests of Nilgiris Forest Division for formation of cement concrete road to a length of 2332m to a width of 3.00m through the Naduhatty Reserved Forest area from the Kallaty road at Naduhatty Village Panchayat road in The Nilgiris District to access patta lands for cultivation purpose seeking approval under Section 2 of Forest (Conservation) Act, 1980 in favour of the Block Development Officer (VP), Kothagiri Block, Kothagiri, The Nilgiris District for a period of 30 years.

Encl: As stated above.

Yours faithfully



For 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)

Name of the work : Forest (Conservation) Act, 1980 – Proposal for diversion of 0.6996 ha of forest land in Naduhatti Reserved Forests of Nilgiris Forest Division for formation of cement concrete road to a length of 2332m to a width of 3.00m through the Naduhatty Reserved Forest area from the Kallaty road at Naduhatty Village Panchayat road in The Nilgiris District to access patta lands for cultivation purpose in favour of Block Development Officer (VP), Kothagiri Block, Kothagiri, The Nilgiris District - Proposal No. FP/TN/Road/156883/2022

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)

"Recommend"



Signature

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

Date : 26-07-2022

Place: Chennai-15.