

TAMILNADU FOREST DEPARTMENT

From
Subrat Mohapatra, I.F.S.,
Principal Chief Conservator of Forests
(Head of Forest Force),
Forest Headquarters Building,
Guindy Velachery Main road,
Near Kannikapuram Checkpost,
Guindy, Chennai - 600 032.

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

C.No. TS4/9178/2022 dated : 28.04.2023

Sub: Forests - Forest (Conservation) Act, 1980 –Dindigul Circle / Karur Division - Proposal for diversion of forest land of 0.874ha Ha for construction of foot bridges for collector well 4&5 and MV Panel room for Collector well 5 and construction of headworks under Combined Water Supply Scheme to 8 Town Panchayats, 2452 Rural Habitations, 3 Municipalities in Sivaganga District across Maruthur Reserved Forest – Online proposal submission by the User Agency ie. TWAD Board, Kulithalai - Regarding.

Ref: 1. Online application uploaded by the User Agency – Assistant Engineer, TWAD Board, Kulithalai dt. 29.03.2022. (FP/TN/Water/153702/2022) and revised proposal uploaded on 26.04.2023.
2. Part-II uploaded by the District Forest Officer, Karur on 17.06.2022.
3. Part-III uploaded by the Conservator of Forests Dindigul on 20.06.2022
4. Compensatory Afforestation Scheme uploaded by the District Forest Officer, Karur on 13.04 2023 and by the Conservator of Forests, Dindigul on 20.04.2023.

I wish to state that the Assistant Engineer, TWAD Board, Kulithalai has sent a proposal under Section 2 of Forest (Conservation) Act, 1980 for diversion of forest land of 0.874ha Ha for construction of foot bridges for collector well 4&5 and MV Panel room for Collector well 5 and construction of headworks under Combined Water Supply Scheme to 8 Town Panchayats, 2452 Rural Habitations, 3 Municipalities in Sivaganga District across Maruthur North Reserved Forest through online web portal in the prescribed format.

2) The User Agency has furnished following Certificates / Undertakings.

- i. Signed copy of Form A.
- ii. Letter of Authorization.
- iii. GPS map of the proposed water supply pipeline through Maruthur Reserved Forest
- v. Survey of India topo - sheet indicating boundary of forest land proposed.
- v. Google map for the Forest land proposed for diversion in Maruthur North Reserved Forest
- vi. Justification for locating the project in Forest land

- vii. Certificate of Settlement of rights under Scheduled Tribes and Other Traditional Forest Dwellers under Forest Rights Act 2006 in the prescribed format obtained from the District Collector, Karur in Ref. No: B1-3924-2020 dated 25.03.2022.
- viii) Certificate from the District Collector, Karur in Ref.No: B1-3924-2020 dated 25.03.2022 regarding no other feasibility alternate alignment for this water supply scheme.

3) In Additional information details the following documents were uploaded.

a. Area requirement details as follows:

For foot bridges	– 490 m length, 7m width,	Area : 0.1715 ha.
For MV Panel rooms	– 5m length, 5m width,	Area : 0.0025 ha.
For Headwork component	– 140m length, 50m width,	Area : 0.7000 ha

TOTAL Area : 0.8740 ha

- b. Certificate by the user Agency that there is no CAT plan in the approved plan.
- c. Certificate given by the User Agency regarding the no violation of any provisions of Forest (Conservation) Act, 1980.
- d. Certificate by the User Agency that this is only possible route and there is no other alternative feasible route available.
- e. Under taking by the user agency to bear the cost of Compensatory Afforestation / Penal Compensatory Afforestation / Maintenance of plantation/ Protection of plantation if any for the proposed Diversion of Forest land fixed by the Forest Department.
- f. Under taking by the user agency for the payment of Net Present Value of the forest land involved.
- g. Undertaking for the payment of cost of felling of trees and transportation cost of the trees to be removed in the forest land involved.
- h. Undertaking by the user agency for the payment of Additional Net Present Value if any demand raised by the forest department.
- i. Undertaking to pay the cost along with any escalation for exploitation of trees if any available in the alignment path any for the proposed Diversion of Forest land fixed by the Forest Department.
- j. Undertaking for the payment of cost towards lease rent as fixed by the Forest Department at the time of sanction along with any escalation for the forest land to be diverted.
- k. Certificate by the User Agency that the demand of forest land for the project is barest minimum.
- l. Form-A
- m. Undertaking by the user agency that no felling of trees is involved.

- n. Undertaking by the user agency regarding "in case of diversion of forest land is denied, the project shall be executed along alternate alignment and work on non-forest land shall not be cited as a reason for grant of approval of forest land under F(C) Act, 1980"

4. The District Forest Officer, Karur has uploaded the Part-II of the above proposal and are detailed below.

- i) Area to be diverted for the above proposal is 0.874ha to a density of zero and type of forest is Eco class-4.
- ii) The details of wildlife present in and around the forest land proposed for diversion is Peacock, Mongoose, Hare, Crane etc.
- iii) The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, Wildlife Migration Corridor.
- iv) The proposed area is not located within Eco Sensitive Zone of the protected area notified under Wildlife (Protection) Act 1972.
- v) The forest land proposed for diversion is not located within 1km from the boundary of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, and Wildlife Migration Corridor.
- vi) No rare / endangered / unique species of Flora and Fauna found in the proposed area.
- vii) No protected archeological / heritage site / defense establishment or any other important monument is located in the area.
- viii) No work in violation of the Act or guidelines issued under the act.
- ix) The requirement of forest land as proposed by the user agency is unavoidable and bare minimum for the project.
- x) Under species-wise and girth wise enumeration of trees of Eucalyptus trees of 942 Nos were enumerated.
- xi) In section 13, Details of Compensatory Afforestation, under patch wise details, Compensatory Afforestation scheme to an amount of Rs. 99.44lakhs uploaded for planting of 9420 nos of plants including 10 years maintenance in degraded forest area in lieu of felling of 942 planted Eucalyptus trees for this project. The degraded area of 47ha is selected for planting in D-Edaiyapatty Bit-III RF in Karur Range. The DFO, Karur has also uploaded the suitability certificate for the above land selected for planting. The KML file also uploaded.

5. The District Forest Officer, Karur has inspected the proposed project site on 02.06.2022 and stated the following details

The components of works proposed in the area are

- e. For Construction of Footbridge No.1 for laying pipeline in a linear stretch of Reserved Forest land to a length of 330 meters and width of 3.50 meters (1No x $330\text{m} \times 3.50\text{m} = 0.1155\text{Ha.}$) in Marudhur Reserved Forest.
- f. For construction of Footbridge No.2 for laying pipeline in a linear stretch of Reserved Forest land to a length of 160 meters and width of 3.50 meters (1No x $160\text{m} \times 3.50\text{m} = 0.0560\text{Ha.}$) in Marudhur Reserved Forest.
- g. For construction of the M.V.Panel room is a polygon stretch of Reserved Forest land to a length of 5.00 meters and width of 5.00 meters (1No x $5\text{m} \times 5\text{m} = 0.0025\text{Ha.}$) in Marudhur Reserved Forest.
- h. For construction of Head works components (Collection Sump-38.85 LL capacity, Sump cum pump house-5.00 LL capacity, MCC room $15\text{m} \times 9\text{m}$, Transformer yard, Staff Quarters and Office Building) is a polygon stretch of Reserved Forest land to a length of 140 meters and width of 50 meters (1No x $140\text{m} \times 50\text{m} = 0.7000\text{Ha.}$) in Marudhur Reserved Forest.

Hence the total proposed area is 0.8740Ha.

(0.1155Ha+0.0560Ha+0.0025Ha+0.7000Ha)

6. The area proposed for diversion by the user agency is very minimum and there is no alternative land for the proposed project except the forest land.
7. ~~The user agency has not started any work in the proposed site inside the Marudhur Reserved Forest.~~ Therefore the question of violation of provision in Forest Conservation Act, 1980 for this proposal does not arise.
8. There is no rare/ endangered/ unique species of flora and fauna in the Marudhur Reserved Forest.
9. Eucalyptus coppice and Prosopis juliflora were present in the proposed project area. TAFCON also planted Eucalyptus Saplings during 2021-22 in some of the areas proposed by the TWAD Board.
10. There is no protected archaeological/ heritage site/ defence establishment and there is no monuments in the above project site.
11. The user agency has wrongly mentioned the Reserved Forest name in the proposal as Marudhur North Reserved Forest/ Marudhur North-1 Reserved Forest instead of Marudhur Reserved Forest.

12. In the recommendation, the District Forest Officer has stated that

- a) The user agency has submitted the necessary undertaking on Compensatory Afforestation expenditure, Net Present Value, Additional Net Present Value, Cost of felling of trees and Annual Lease Rent.
- b) Eucalyptus coppice raised by TAFCON and Prosopis juliflora in natural was present in the proposed project area. TAFCON has also planted Eucalyptus Saplings during 2021-22 in some of the areas proposed for the project by the TWAD Board. For which, an amount of Rs.3,30,134/- was raised as demand by the Regional Manager, TAFCON, Pudukkottai to the above said Eucalyptus plantation and Eucalyptus coppice on the field and also requested the Managing Director, TAFCON, Trichy to approve the amount demanded as compensation by him.
- c) The TWAD Board may ask to remit the compensation amount demanded by the Regional Manager, TAFCON, Pudukkottai (or) the amount approved/fixed by the Managing Director, TAFCON, Trichy as compensation.
- d) This diversion is proposed for a project which may reduce the water scarcity in 8 Town Panchayats, 2452 Rural Habitations in 11 Panchayat Unions with bulk provision to 3 Municipalities in Sivagangai District. Diversion of the particular stretch may not cause much disturbance to wildlife and it will not adversely affect the ecosystem.

Taking into consideration the facts stated above, the District Forest Officer, Karur has recommended for diversion of 0.874Ha of Forest land in Marudhur Reserved Forest.

13. The Chief Conservator of Forests, Dindigul has inspected the proposed area for diversion on 20.06.2022 and agreed the informations made by the District Forest Officer.

The Chief Conservator of Forests, Dindigul has recommended the proposed area for diversion of 0.874Ha since the project meant to provide drinking water to 2452 habitations.

9) In this regard, it is submitted that the User Agency has uploaded all the certificates/undertakings/details as required in this proposal.

10) The forest area required for diversion of this project is 0.874Ha only (i.e) less than 1ha. However it involves felling of 942 nos of trees. Hence this project proposal cannot be considered by the State Government under General approval Chapter 4.2 of Hand book of Forest Conservation Act 1980 and Forest Conservation Rules 2003 and requires approval of Government of India.

11) The proposal is sent herewith duly recommended in the part IV of Form A by the Additional Principal Chief Conservator of Forests (FCA) / Nodal Officer (Forest Conservation Act).

12) The area proposed for diversion of 0.874ha Ha for construction of foot bridges for collector well 4&5 and MV Panel room for Collector well 5 and construction of headworks under Combined Water Supply Scheme to 8 Town Panchayats, 2452 Rural Habitations, 3 Municipalities in Sivaganga District across Maruthur Reserved Forest is recommended and forwarded to the Government of Tamilnadu for consideration and to obtain Stage I approval from the Government of India subject to the following conditions.

- I. The legal status of the land shall remain unchanged and shall remain as Reserved Forests.
- II. The demarcation of the proposed forest area shall be carried out by erecting 4 feet height cement concrete pillars duly numbered at an interval of 20 mts at the cost of User Agency.
- III. The pipeline shall be laid down 1.5m below the ground after laying down of pipeline the ground will be leveled.
- IV. The User Agency shall remit Compensatory Afforestation amount as demanded by the Forest Department.
- V. The Compensatory Afforestation shall raise in the degraded forest area in D.Edaiyapatty Bit-III RF to an area of 47ha.
- VI. The User Agency shall pay the Net present value of the diverted forest area at the rates stipulated by the Ministry of Environment and Forests in File.No:5-3/2011-FC (Vol.I) dated 06.01.2022 and 19.01.2022 and from time to time, as per the orders of the Hon'ble Supreme Court Order dated 28.03.2008 and 09.05.2008 in IA Nos. 826 in 566 with related IAS in Writ Petition(Civil) No.202/1995.
- VII. The fund from the User Agency towards Compensatory Afforestation and NPV under this project shall be deposited by generating chalan from the Ministry's online web portal. UTR No and date should be furnished.
- VIII. The Additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to the effect.
- IX. 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.
- X. The forest land shall not be used for any other purpose other than that specified in the proposal.

- XI. The lease rent should be realized from the User Agency as per G.O.Ms.No.272, E&F(FR.XIII) Dept. dated 15.04.1991.
- XII. The period of lease is 50 years.
- XIII. The User Agency should send renewal proposal one year before expiry of lease.
- XIV. The Conservator of Forests and District Forest Officer may impose any other condition in the interest of conservation /protection land development of forests.
- XV. The Compliance report shall be uploaded on e-portal.

I request that necessary Stage I approval for diversion of 0.874ha forest land in Maruthur Reserve Forest of Karur Forest Division for construction of foot bridges for collector well 4&5 and MV Panel room for Collector well 5 and construction of headworks under Combined Water Supply Scheme to 8 Town Panchayats, 2452 Rural Habitations, 3 Municipalities in Sivaganga District may be accorded under Forest (Conservation) Act, 1980 in favour of Assistant Engineer, TWAD Board, Kulithalai for a period of 50 years.

Encl.: Proposal in duplicate.

Yours faithfully

G/H mm 2/05/2023
for Principal Chief Conservator of Forests
(Head of Forest Force)

by
2/05/2023

PART IV

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

Name of Work: Forests - Forest (Conservation) Act, 1980 – Dindigul Circle / Karur Division - Proposal for diversion of forest land of 0.874ha Ha for construction of foot bridges for collector well 4&5 and MV Panel room for Collector well 5 and construction of headworks under Combined Water Supply Scheme to 8 Town Panchayats, 2452 Rural Habitations, 3 Municipalities in Sivaganga District across Maruthur North Reserved Forest– Online proposal submission by the User Agency ie. Assistant Engineer, TWAD Board, Kulithalai, Bommaiypalayam, Tamilnadu

Proposal No: FP/TN/Water/153702/2022

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).

Recommended
V. Karuna Priya
28/4/23

Date : .04.2023
Place: Chennai

Signature:

Name : V.Karuna Priya, IFS
Official Seal:
Additional Principal Chief Conservator of Forests
(Forest Conservation Act)/Nodal Officer