

TAMIL NADU FOREST DEPARTMENT

From
Thiru Syed Muzammil Abbas IFS.,
Principal Chief Conservator of Forests,
(Head of Forest Force),
Panagal Maaligai, Saidapet,
Chennai - 600 015.

To
The Additional Chief Secretary to
Government,
Environment Climate Change and
Forest Department,
Secretariat, Chennai 600 009.

Ref. No. TS4/39090/2019 dated.27.07.2022

Madam,

Sub: Forests - Forest (Conservation) Act, 1980 – SMTR, Madurai Circle /
Theni Division - Proposal for diversion of 0.5 ha of forest land for the
construction of check dam across Sambalar river in Kottakudi Reserved
Forest for water supply improvement scheme to Bodinayakanur – Online
Proposal submission by the User Agency (ie.)The Commissioner,
Bodinayakanur Municipality, Bodi - Regarding.

- Ref: 1. Online application uploaded by the User Agency – The Commissioner,
Bodinayakanur Municipality, Bodi dated: 6.08.2019
(FP/TN/Road/41506/2019) and resubmission of proposal.
2. Acknowledgements for receipt of proposal by the Additional Principal
Chief Conservator of Forests, Madurai, District Collector, Theni and
District Forest Officer, Theni uploaded by the User Agency on
07.03.2020.
3. Principal Chief Conservator of Forests Ref.NoTS4/39090/2019,
dt:16.03.2020.
4. Additional Principal Chief Conservator of Forests, Madurai,(i/c) C.No:
9653/2019 D1 dated 19.10.2020, 09.07.2021 & 06.04.2022.
5. District Forest Officer, Theni C.No:6967/2016 D dated 09.06.2020,
14.09.2020& 07.03.2022

I wish to state that the Commissioner, Bodinayakanur Municipality, Bodi has sent a
proposal under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.5 ha of forest land
for the construction of check dam across Sambalar river in Kottakudi Reserved Forest of Theni
Forest Division for water supply improvement scheme to Bodinaikkanur 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 Authorisation.
- iii. GPS map of the proposed project
- iv. Survey of India topo - sheet indicating boundary of forest land proposed.
- v. Google map for the Forest land proposed checkdam.

vi. Justification for locating the project in Forest land

The census population of Bodinayakanur Municipality for the year 2011 is 75665. The source for the water supply to the town is Kottakudi Sambalar River. From the above source a Water Supply Scheme was executed in the year 1944 and an Improvement Scheme in the year 1988. The total quantity supplied from the above schemes is about 7.13MLD. From the above schemes, 90 lpcd of water is supplied to the Public. At present, an Under Ground Sewerage Scheme Completed and put into Beneficial use of Bodinayakanur Municipality. Hence the level of service with regard water supply has to be enhanced to 135 lpcd. Since the existing 2 schemes are outlived on having served their designed life period, it becomes necessary to provide a new comprehensive Water Supply Improvement Scheme to Bodinayakanur Municipality catering to the current need of water supply at 135 lpcd. Now it is proposed an Intake Well (to protect against silt deposition and boulders) and Construction of new Check Dam in Kottakudi Sambalar River 25mtr downstream of the Existing Check Dam near Naripatti Village (Kurangani). For that forest permission has been applied on online.

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, Theni in Ref.No: 28181/2019/G7 dated 18.11.2019.

viii) Certificate from the District Collector, Theni in Ref. No: 28181/2019/G7 dated 18.11.2019 regarding no other feasibility alternate alignment for this water supply scheme.

3) In additional Information details the following documents are uploaded by the user agency.

- a) Certificate from the project proponent regarding no violation of Forest Conservation Act 1980 in seeking the minimum forest land required for the above project.
- b) Certificate from the project proponent that this is the only possible as there is no other alternative feasible location is available except this area.
- c) Certificate from the project proponent about that demand for forest land for the project is barest minimum.
- d) Area requirement details.
- e) For payment of Net Present Value, the user agency has stated that the above area is not declared as National Park / Wildlife Sanctuary and felling of trees of any nature(planted or spontaneous growth)will not be done and the alignment will be carried out to avoid removal of trees and hence Net Present Value is not necessary to

pay in the present case as per Government of India guidelines of Forest Conservation Act 1980 in F.No.5-3/2007=FC dated 05.02.2009 and if any subsequent orders received, undertake to pay such payment on issue of demand note by SFD / Competent Authority.

- f) Certificate from the project proponent to pay the lease amount as fixed by the Forest Department for use of the forest land required for the implementation of the project.
- g) 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.
- h) Undertaking to pay the 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 bear the cost along with any escalation for exploitation of trees if any available in the alignment path, for the proposed diversion of forest as fixed by the Forest Department.
- j) Undertaking to bear the cost of compensatory afforestation / Penal Compensatory afforestation /Maintenance of Plantation /Protection of Plantation for the proposed diversion of forest land as fixed by the forest department.
- k) Area calculation sheet for the proposed project.

4) The District Forest Officer, Theni has uploaded Part-II of Form-A on 09.06.2020 and furnished the following details.

- i) The legal status of the land proposed is Reserved Forest and the density of vegetation is 60 and type of forest is Eco-class 2.
- ii) The details of wildlife present in and around the forest land proposed for diversion is Leopards, Indian Gaur, ungulates and other small animals observed
- iii) Project site falls within the tiger corridor as per the DSS mapping of Tiger corridors available in www.ntca.gov.in , the project site is in the corridor connecting Mathikettan Shola NP and Pambadum Shola NP in the state of Kerala. Since it's only a check-dam across a river in the valley it will not be a hindrance to the migration of wildlife. The project will in fact help in water recharge and positively impact regeneration in those areas.
- 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, Wildlife Migration Corridor.
 - vi) No rare / endangered / unique species of Flora and Fauna found in the proposed area.
 - vii) No protected archeological / heritage site / defence 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) In section 13, Details of Compensatory Afforestation, under patch wise details, **no** Compensatory Afforestation scheme provided.
- 5) In the site inspection report of the District Forest Officer, Theni, has stated that
- a) He has inspected the proposed area for diversion on 04.04.2020 and the land status was confirmed as Reserved Forest by FSO after a joint survey on 05.06.2020.
 - b) The area requested by the User Agency is 0.50 Ha. for the purpose of construction of checkdam across Sambalar River and the approach road for the same in Kottakudi Reserved Forest for WSIS by Bodinayakanur Municipality.
 - c) Construction of Checkdam is proposed in the downstream side of a checkdam constructed for the same purpose in the year 1944.
 - d) The site proposed is not falling under Eco Sensitive zone of Megamalai and Kodaikanal Wildlife Sanctuaries. Kodaikanal Wildlife Sanctuary is 4.22km (aerial distance) away from project site.
 - e) The proposed project site falls within the tiger corridor as per the DSS mapping of Tiger corridors available in www.ntca.gov.in The corridor is between the Mathikettan shoal National Park and Pambadum shoal National Park of the state of Kerala.
 - f) There is no spontaneous tree growth, no endangered flora found.
 - g) The project site doesn't have any important monuments which has archeological importance/heritage site/defense establishment etc.
 - h) The user agency has not carried out any work in the proposed area, which contravenes the Forest Conservation Act 1980.

6) In the recommendation of District Forest Officer, Theni has stated that

i) Bodinayakanur Municipality drinking water is met from the Sambalar River and proposed project is to make improvement for supply of Drinking water for Bodinayakanur Municipality.

ii) The proposed site is not falling in Eco Sensitive Zone of Megamalai and Kodaikanal Wildlife Sanctuaries and the distance from Megamalai and Kodaikanal Wildlife Sanctuaries are 35.91 km and 5.22 km respectively.

iii) The project site falls in Kottagudi village, which is declared as Ecologically Sensitive Area (ESA) of Theni District as per Government of India. MOEF and CC F.No.14/2012 RF/PL New Delhi dated 13.11.2013 under section 5 of the Environment Protection Act 1986, however the activity of construction of Check Dam for drinking water is not a prohibited activity as per the above MOEF letter cited. Hence this activity may be permitted as it is essential for drinking water improvement in Bodi Municipality.

iv) As the proposed site falls within the tiger corridor as per the DSS mapping of Tiger corridors available in www.ntca.gov.in and the proposed project is an essential activity as it is intending to provide drinking water to Bodi Municipality, the project may be allowed with prior **clearance of National Board of Wildlife**.

7) In the Field Inspection / Recommendation report, the Additional Principal Chief Conservator of Forests, Madurai stated that

a) Inspected the area proposed for diversion of 0.50 Ha. for the construction of Check Dam across Sambalar river in Kottakudi RF, Kurangani South Beat, Munthal Section, Bodi Range of Theni Division, Theni District on 20.08.2020 along with District Forest Officer, Theni, Forest Range staff of Bodi Range.

b) The extent of proposed diversion of forest land is 0.50 ha and this proposal has been requested for the improvement of Water supply improvement scheme by Bodinayakkanur Municipality of Theni District.

c) The proposed project is to be located a few meters downstream of a check dam initially constructed for supplying water to Bodinayakkanur Municipality across the same Kottakudi-Sambalar river in Kottakudi Reserve Forest.

d) The project site does not fall under the Eco Sensitive Zone of Megamalai Wildlife Sanctuary and Kodaikanal Wildlife Sanctuary.

e) The aerial distance of Wildlife Sanctuary, Kodaikanal is about 4.22 km away from this project site.

f) There is no felling of trees involved in the proposed project.

g) This is an essential project for supply of drinking water to the Bodinayakkanur Municipality.

h) The proposed diversion of forest land of 0.50 ha. is the minimum land area required for the project and it is recommended that permission may be accorded for the proposal under the Forest (Conservation) Act, 1980 subject to the following conditions.

(i). Adequate facilities may be provided for provision of drinking water for wildlife as mammals in the said area especially during the pinch season of the year.

(ii). Necessary arrangements should be made to maintain the Zero level of the Check Dam to be proposed at the minimum to avoid submerging of vast forest area even during rainy season.

(iii). The construction debris should not be dumped anywhere nearby or inside the forest area.

(iv). Shelters for the construction personnel should not be allowed inside the forest area.

(v). Suitable information boards should be erected warning people not to take bath in the proposed check dam to be constructed at the site.

8) In Part-III, in his specific recommendation, the Addl.Principal Chief Conservator of Forests, Madurai has stated that

i) The proposed area 0.5 ha of forest land diversion for the construction of check dam for water supply Scheme project does not have any important monuments of Archeological, Heritage site, Defense establishment etc., and the project is location specific and the area requested for the project is barest minimum.

ii) NBWL clearance proposal has been sent to Principal Chief Conservator of Forests and Chief Wildlife Warden, Chennai vide Additional Principal Chief Conservator of Forests, Madurai Ref.No. D/9653/ 2019, Dt.21.01.2021 for obtaining clearance of NBWL, since the proposed project site falls within the tiger corridor as per the DSS mapping of Tiger corridors available in www.ntca.gov.in and the corridor is between the Mathikettan Shola National Park and Pambadum Shola National Park of Kerala State.

iii) The proposal may be considered on receipt of the clearance of National Board of Wildlife.

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

10) The Wildlife Clearance proposal received from the user agency has been processed upto the level of PCCF & CWLW and the same will be placed before the SBWL shortly.

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 0.50 Ha. for the construction of Check Dam across Sambalar river in Kottakudi Reserved Forest of Theni Forest Division, Theni District is recommended and forwarded to the Government of Tamilnadu for considering the proposal under the General Category (Chapter 4.3 of Forest Conservation Act 1980 guidelines Hand Book) wherein the State Government has empowered to divert forest area upto one Ha for critical public utility and welfare projects undertaken by the Government agencies and in principle Stage-I approval orders may be issued subject to the following conditions.

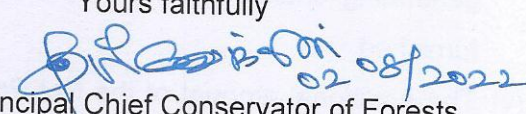
- (i) The legal status of the land shall remain unchanged and shall remain as Reserved Forests.
- (ii) The demarcation of the proposed forest area shall be carried out by erecting 4 feet height cement concrete pillars duly numbered at an interval of 20 mts at the cost of User Agency.
- (iii) The User 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.
- (iv) The fund from the User Agency towards NPV under this project shall be deposited by generating challan from the Ministry's online web portal.UTR No and date should be furnished.
- (v) 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.
- (vi) 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.


- (vii) The forest land shall not be used for any other purpose other than that specified in the proposal.
- (viii) 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.
- (ix) Adequate facilities may be provided for provision of drinking water for wildlife as mammals in the said area especially during the pinch season of the year.
- (x) Necessary arrangements should be made to maintain the Zero level of the Check Dam to be proposed at the minimum to avoid submerging of vast forest area even during rainy season.
- (xi) The construction debris should not be dumped anywhere nearby or inside the forest area.
- (xii) Shelters for the construction personnel should not be allowed inside the forest area.
- (xiii) Suitable information boards should be erected warning people not to take bath in the proposed check dam to be constructed at the site.
- (xiv) The user agency shall furnish the clearance obtained from NBWL for Stage-II approval.
- (xv) The period of lease is 20 years
- (xvi) The User Agency should send renewal proposal one year before expiry of lease.
- (xvii) The Conservator of Forests and District Forest Officer may impose any other condition in the interest of conservation /protection land development of forests.

I request that in-principle Stage-I approval under Forest (Conservation) Act, 1980 may be accorded for diversion of 0.50 Ha. of forest land for WSIS to Bodinaikanur by construction of Check Dam across Sambalar river in Kottakudi RF of Theni Forest Division, Theni District in favour of the Commissioner, Bodinaickanur Municipality, Bodi for a period of 20 years.

Encl.: Proposal.

Yours faithfully


for Principal Chief Conservator of Forests
(Head of Forest Force)


02/08/2022

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 – SMTR, Madurai Circle / Theni Division - Proposal for diversion of 0.5 ha of forest land for the construction of check dam across Sambalar river in Kottakudi Reserved Forest for water supply improvement scheme to Bodinaikanur – Online Proposal submission by the User Agency (ie.) The Commissioner, Bodinayakanur Municipality, Bodi.

Proposal No: FP/TN/WATER /41506/2019)

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 subject to clearance from National Board of Wildlife as the proposed project site falls in between tiger corridor of Mathikketan Shola N.P and Pambadum Shola National Park."

Date : .07.2022

Place: Chennai

Signature:

Name :

Official Seal:

Additional Principal Chief Conservator of Forests
(Forest Conservation Act)/Nodal Officer