

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. TS3/1022/2021 Dated: 03.08.2022.

Madam,

Sub: Forest (Conservation) Act, 1980 – Vellore Circle /
Tiruvannamalai Forest Division – Proposal for diversion of
0.90 ha of forest land in Pennaiyar RF in Tiruvannamalai Forest
Division area for construction of fuse plug pertaining to
Thandarampattu Taluk of Tiruvannamalai District for discharge
of heavy floods from Sathanur Reservoir in Tiruvannamalai
District in favour of Assistant Executive Engineer, PWD
Sathanur Dam, Tiruvannamalai District - Proposal forwarding off
- Regarding.

- Ref: 1 Online proposal uploaded by the Assistant Executive
Engineer, PWD Sathanur Dam Tiruvannamalai District
Proposal No. FP/TN/IRRIG/118339/2021, dated 03.01.2021
and resubmission of proposal on 26.01.2021 and 27.02.2021
- 2 Part-II of Form-A uploaded by the District Forest Officer,
Tiruvannamalai Division on 23.03.2022
- 3 Part-III of Form-A uploaded by the Conservator of Forests,
Vellore Circle on 04.05.2022 and EDS reply on 20.06.2022
and 13.07.2022.

I wish to state that in the references 1st cited, the Assistant Executive
Engineer, PWD Sathanur Dam Tiruvannamalai District has uploaded online forest
clearance proposal under Section 2 of Forest (Conservation) Act, 1980 for
diversion of 0.90 ha of forest land in Pennaiyar RF in Tiruvannamalai Forest
Division area for construction of fuse plug pertaining to Thandarampattu Taluk of
Tiruvannamalai District for discharge of heavy floods from Sathanur Reservoir in
Tiruvannamalai District under proposal No. FP/TN/IRRIG/118339/2021.

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 and short narrative of the project reported as construction of fuse plug pertaining to Thandarampattu taluk in Tiruvannamalai District in addition to existing surplus arrangements.

iii) Category of the project reported as Irrigation. Shape of the project reported as Linear

iv) The User Agency has reported that area required in forest area is for 0.90 ha., and non forest land required for the project is Zero ha.,

v) The User Agency has proposed the forest area diversion for the project for a period of 99 years. Legal status of the User Agency is State Government (Department).

vi) Diversion of 0.90 ha of forest has been requested in Tiruvannamalai (South) Forest Division of Tiruvannamalai District. Name of the village in which forest land requested has been reported as Ponnaiyar RF.

vii) The User Agency has furnished the component wise breakup details of land required for the project as fuse plug for 0.90 ha

In the additional information details section, details of area requirement stated as construction of fuse plug work reported as 450m length and 20m width ie., 9000 sq.m area.

viii) Location map of the forest land proposed to be diverted in kml file of google earth, Scanned copy of Survey of India topo sheet marking the road runs through forest area and Scanned copy of Geo referenced location details of the forest land proposed to be diverted have been uploaded.

ix) Note containing justification for locating the project in forest area has been uploaded.

x) The User Agency has stated that this project is likely to generate permanent/ regular employment for 1500 persons and temporary employment for 300 persons, this project does not involve displacement of people due to the project, cost-benefit analysis for the project is not required and this project not requires clearance under the Environment (Protection) Act, 1986.

xi) 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.

xii) The User Agency has stated that the process for settlement of Rights under the Forest Rights Act 2006 on the forest land proposed to be diverted has been completed and uploaded a copy of Forest Rights Act 2006 certificate issued

by the District Collector of Tiruvannamalai District in Rc. No. B3/39512/2020, dated 16.12.2020.

xiii) The user agency has stated that non-forest or revenue forest land is not required to be provided by the user agency and reason for this stated that not applicable.

As per the guidelines issued under Para 2.6 of Chapter 2 of Compensatory afforestation under the hand book of Forest Conservation Act, 1980 issued by the Government of India during March 2019, cost of plantation including ten years maintenance of plantation of ten times the number of trees likely to be felled shall be levied from the user agency towards compensatory afforestation for diversion of forest land up to 1 ha.

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

a) area requirement statement reported as construction of fuse plug work required for 450m length and 20m width ie., 9000 sq.m area

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

c) Certified that ten times of saplings cost would be paid towards the number of trees proposed to be cut which falls on the forest alignment path with regard to the project proposal.

d) Undertaking to bear the cost along with any escalation for exploitation of trees in the forest land to be diverted to the project and cost of compensatory afforestation as fixed by the Forest Department.

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

f) Certificate on concurrence for the usage of RF only for the purpose of construction of fuse plug to accommodate the revised probable maximum flood of Sathanur Reservoir.

g) 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.

h) The user agency has certified that no work in violation of Forest (Conservation) Act, 1980 will be carried out.

i) 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.

j) 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.

k) 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

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

m) Certified that the provision of Forest Conservation Act, 1980 have not been violated in the RF land.

n) Certificate issued by the District Collector Tiruvannamalai in Roc No. B3/39512/2020, dated 16.12.2020 that the proposal does not involve recognized rights of the Primitive tribal groups and pre-agricultural communities

o) Certificate issued by the District Collector Tiruvannamalai in Rc No. B3/39512/2020, dated 16.12.2020 that there is no alternate non forest land is available for taking up the work.

2) The District Forest Officer, Tiruvannamalai Division has uploaded Part-II of Form-A along with site inspection report and recommendation of the project and uploaded EDS replies for the additional details called for on the project proposal.

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

i) The legal status of the proposed site of diversion of 0.90 ha of forest land requested for the project is area notified as Reserved Forests.

As per site inspection report, name of the forest land is "Pennaiyar Reserved Forest" and extent of area proposed for diversion is 0.90 ha

ii) The District Forest Officer has reported that, density of the forest area is 0.4 and Eco class of forest area is three.

iii) In the Part-II of Form-A under Section 4(ii), species wise and girth class wise, enumeration of 71 number of misc trees have been recorded and the status of trees reported as spontaneously grown trees.

iv) On the Brief note on vulnerability of the forest area to erosion, the District Forest Officer has reported that there is no erosion in this forest area.

v) There is no wildlife present in and around the forest land proposed for diversion. 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 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. 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) For the diversion of 0.90 ha of forest land and involves felling of 71 number of spontaneously grown trees, the District Forest Officer has proposed compensatory afforestation scheme in 1.80 ha of degraded forest area selected in Pinjur C-Block RF at a project cost of Rs. 27,48,702/-.

ix) In the site inspection report, the District Forest Officer has reported that, the area proposed for diversion of 0.90 ha of forest land in Pennaiyar Reserved Forests of Tiruvannamalai Forest Division for construction of Fuse Plug was inspected on 17.07.2021 and observed as follows.

a) The user agency has not yet started any work in the RF area so far, therefore the question of violation of provisions of Forest Conservation Act 1980 does not arise and there is no encroachment in the proposed area.

b) The forest land required for the project is not part of National Park / Wildlife Sanctuary / Biosphere.

c) No rare/ endangered/ unique species of flora and fauna in the above said Reserved Forests

d) The area proposed for construction of fuse plug falls under Pennaiyar RF of Sathanur Range with forest type of Southern Dry deciduous scrub forest.

x) In the specific recommendation of the proposal, the District Forest Officer has reported that the forest land is of Southern Dry Deciduous Scrub Forest type, As per the recommendation of the High level authorities of Dam Safety Review Panel inspection report on 31.12.2020, it was decided to make suitable surplus arrangements for accommodating probable maximum floods in Sathanur Reservoir. Hence for ensuring the safety of the reservoir and adjacent areas from excess floods, this proposal recommended.

3) The Conservator of Forests, Vellore Circle has inspected the area on 13.04.2022 and has remarked that the proposal is recommended for ensuring the safety of the Reservoir and adjacent areas from excess floods and the proposal forwarded to the Nodal Officer.

4) The User Agency has requested forest area diversion for a period of 99 years. The District Forest Officer, Tiruvannamalai Division has recommended the forest area diversion for a period of 25 years and the Conservator of Forests, Vellore Circle has not recommended any time limit for the proposed forest diversion area.

Based on the recommendations made by the District Forest Officer, Tiruvannamalai Forest Division, forest area diversion proposal is recommended for a period of 25 years.

5) The user agency has proposed diversion of 0.90 ha of forest area in Pennaiyar Reserved Forests for construction of fuse plug aiming for the discharge of heavy floods from Sathanur Reservoir and the discharged flood will join the downstream side of the river course under the project proposal category of "Irrigation"

The Government of India has delegated powers to State Government under General approval for diversion of forest areas for the development of critical public utility and welfare projects undertaken by the Government for the following (i) School/Educational Institutions, (ii) Dispensary/hospitals, (iii) Electric and telecommunication lines, (iv) Drinking water, (v) Water/rainwater harvesting structures, (vi) Minor irrigation canals, (vii) Non-conventional sources of energy, (viii) Skill up-gradation/vocational training centre, (ix) Power sub stations, (x) Communication posts, (xi) Construction/widening of roads including approach roads to roadside establishments, (xii) water mills, (xiii) Government approved community toilets, (xiv) Upgradation/strengthening/widening of existing bridges by BRO, (xv) Police establishments like Police Station/Outposts/Border outposts/towers in sensitive area identified by the Ministry of Home Affairs.

Proposal furnished under Irrigation category for discharge of heavy flood by construction of fuse plug does not comes under the above listed category of projects. Further, 71 Nos. misc. trees have to be felled for the project over an extent of 0.90 ha. Hence the proposal has to be got approval from the Government of India

6) As recommended by the District Forest Officer, Tiruvannamalai Division and Conservator of Forests, Vellore Circle, the proposal for diversion of 0.90 ha of forest land in Pennaiyar RF in Tiruvannamalai Forest Division area for construction of fuse plug pertaining to Thandampattu Taluk of Tiruvannamalai District for discharge of heavy floods from Sathanur Reservoir in Tiruvannamalai District in favour of the Assistant Executive Engineer, PWD Sathanur Dam Tiruvannamalai District is recommended 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 amount for raising compensatory afforestation in 1.80 ha of degraded forest land in Pinjur C-Block Reserved Forest area.

iv) 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.

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.

vi) 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/>)

vii) The user agency has to obtain orders from the Hon'ble Supreme Court of India for felling of Spontaneously grown 71 number of trees in the project area.

viii) 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.

ix) The total forest area utilized for the project shall not exceeds 0.90 ha comprising the forest area to a length of for 450m length and 20m width

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

xi) 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.

xii) The forest land shall not be used for any other purpose other than that specified in the project proposal.

xiii) 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.

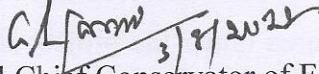
xiv) Any other conditions that the Ministry of Environment, Forests and Climate Change may stipulate from time to time in the interest of conservation, protection and development of Forests and wildlife.

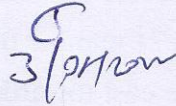
xv) Period of lease can be twenty five (25) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

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 Government of India approval may be obtained for diversion of 0.90 ha of forest land in Pennaiyar RF in Tiruvannamalai Forest Division area for construction of fuse plug pertaining to Thandarampattu Taluk of Tiruvannamalai District for discharge of heavy floods from Sathanur Reservoir in Tiruvannamalai District in favour of the Assistant Executive Engineer, PWD Sathanur Dam Tiruvannamalai District for a period of 25 years.

Encl: As stated above.

Yours faithfully


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

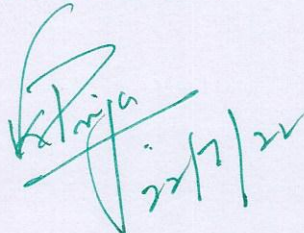


PART - IV

(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 0.90 ha of forest land in Pennaiyar RF in Tiruvannamalai Forest Division area for construction of fuse plug pertaining to Thandarampattu Taluk of Tiruvannamalai District for discharge of heavy floods from Sathanur Reservoir in Tiruvannamalai District in favour of Assistant Executive Engineer, PWD Sathanur Dam Tiruvannamalai District - Proposal No. FP/TN/Irrig/118339/2021

	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"

22/7/22

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-15

Date : 22.07.2022.

Place : Chennai 15.