

By On-line/e-mail.

TAMILNADU FOREST DEPARTMENT

From

To

Thiru S. Yuvaraj, I.F.S.,
Principal Chief Conservator of Forests
(Head of Department),
Panagal Maaligai, Saidapet,
Chennai - 600 015.

The Additional Chief Secretary to
Government,
Environment and Forests Department,
Secretariat,
Chennai 600 009.

C. No. TS3/42513/2020 Dated: 08.12.2020.

Sir,

Sub: Forest (Conservation) Act, 1980 – Coimbatore Forest Circle/
Coimbatore Forest Division - Proposal for diversion of 0.62 ha of
forest land in Madukkarai Forest Block-V Reserved Land in
Madukkarai village of Coimbatore Forest Division for burial
ground for Christians in Madukkarai village of Coimbatore
Corporation area in favour of the Commissioner, Coimbatore City
Municipal Corporation, Coimbatore - Online Submission of
proposal by the User Agency - Regarding.

- Ref: 1 Online application uploaded by the User Agency -
The Commissioner, City Municipal Corporation, Coimbatore-
1 - Proposal No. FP/TN/Others/57952/2020, dated 18.11.2020
and resubmission of proposal on 24.11.2020 and 30.11.2020.
- 2 Part-II of Form A uploaded by the District Forest Officer,
Coimbatore Division on 03.12.2020
- 3 Part-III of Form A uploaded by the Additional Principal Chief
Conservator of Forests, Coimbatore Circle on 03.12.2020

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1) I wish to state that, in the references 1st cited above, the Commissioner, City Municipal Corporation, Coimbatore has uploaded online application under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.62 ha of forest land in Madukkarai Forest Block-V Reserved Land in Madukkarai village of Coimbatore Forest Division for burial ground for Christians in Madukkarai village of Coimbatore Corporation area in favour of the Commissioner, Coimbatore City Municipal Corporation, Coimbatore under proposal No. FP/TN/Others/57952/2020.

2) In the reference 2nd cited, the District Forest Officer, Coimbatore Division has uploaded the Part-II of Form-A and forwarded the proposal to the Additional Principal Chief Conservator of Forests, Coimbatore Circle on 03.12.2020.

3) In the reference 3rd cited, the Additional Principal Chief Conservator of Forests, Coimbatore Circle has uploaded Part-III of Form-A and forwarded the proposal to the Nodal Officer of Forest (Conservation) Act on 03.12.2020.

4) Brief detail of the project is given below.

i) The Commissioner, City Municipal Corporation, Coimbatore has applied online application for getting forest clearance under Forest Conservation Act, 1980 for diversion of 0.62 ha of forest land in Madukkarai village of Coimbatore Forest Division for burial ground for Christians in Madukkarai village of Coimbatore Corporation vide proposal No. FP/TN/Others/57952/2020.

ii) In the short narrative of the proposal, the User Agency has stated that existing burial ground is used by Hindus and Muslims, additional land is required for Christian, hence this proposal is submitted.

iii) the User Agency has reported that area required in forest area is for 0.62 ha., and non forest land not required for the project the User Agency has proposed the forest area diversion for the project for a period of 20 years.

iv) Diversion of 0.62 ha of area has been requested in Coimbatore Forest Division in Coimbatore District and village wise details of land required for the project reported as Madukkarai.

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

| | | | |
|------------------|---|------------|-------------|
| 1) Burial ground | - | 0.5376 ha | (160x33.6m) |
| 2) Waiting shed | - | 0.006 ha | (10x6m) |
| 3) Rest room | - | 0.00045 ha | (3x1.50m) |
| 4) Foot path | - | 0.03675 ha | (175x2.1m) |
| 5) Land scaping | - | 0.0258 ha | (430x0.60m) |
| 6) Compound wall | - | 0.0129 ha | (430x0.30m) |
| Total | - | 0.62 ha | |

vi) The user agency has uploaded the kml file of the area proposed for diversion and scanned copy of Survey of India topo sheet indicating boundary of forest land proposed to be diverted and scanned copy of Geo referenced location map of the proposed diversion of forest area GPS co-ordinates of the area has also been furnished.

vii) The user agency has uploaded a copy of justification report for locating the project in forest area.

viii) The User Agency has stated that this project is likely to generate permanent/regular employment for 10 persons and temporary employment for 50 persons and this project does not involve displacement of people due to the project.

ix) The User Agency has stated that cost-benefit analysis for the project not required and this project not requires clearance under the Environment (Protection) Act, 1986.

x) The User Agency has further 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.

xi) 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 certificate issued by the District Collector, Coimbatore in Ref. No. 17368/2000/B3, dated 10.11.2020.

xii) 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.

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 Forest (Conservation) Act, 1980, guidelines, compensatory afforestation may not be insisted for the forest area diversion up to 1 ha In this project proposal, forest area diversion proposed is 0.62 ha.

xiii) The User Agency has uploaded following documents in the additional information details section.

a) District Collector certificate in Ref. No. 17368/2020/B3, dated 30.09.2020 that process for settlement of rights under Forests Rights Act on the forests land to be diverted does not arise, since presently the land in SF No. 1044/4 and 1044/5 of Madukarai village is vacant without any habitation.

b) District Collector certificate in Ref. No. 17368/2020/B3, dated 15.10.2020 that there is no alternate poramboke land other than forest land is available for the expansion of Christian burial ground of Madukarai village in Madhukarai taluk.

c) Certificate to bear the cost of raising and maintenance of compensatory afforestation and of penal compensatory afforestation and protection of plantation area.

d) Certified that the demand of the forests land required for the project is minimum and unavoidable and all other alternative have been examined and found not feasible for the project.

e) Undertaking to bear the cost of felling of trees and transportation cost of the trees to be removed if any available in the forest area.

f) Undertaking to pay the amount of Net Present Value of forest land to be diverted.

g) Undertaking to bear the additional Net Present Value of forest land to be diverted.

h) Undertaking to pay the lease rent to the Forest Department.

i) Certified that there is no violation of the provisions of Forest Conservation Act, 1980 has been done.

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

i) The legal status of the proposed site of diversion of 0.62 ha of forest land requested for the project is Section 16 notified area – As per site inspection report, name of the forest land is “Madukkarai Forest Block V which has been handed over as a Compensatory Afforestation land in lieu of the forest land diverted to ACC limited for mining lime stone and process for notification under Section 4 of Tamil Nadu Forest Act, 1882 is in progress.

ii) The District Forest Officer has reported that, density of the forest area is 0.25 and Eco class of forest area is three.

iii) The DFO in the additional information details section has reported that there is no tree growth of ecological importance in the proposed area and canopy density of vegetation is 0.2-03 with few prosopis juliflora bushes and cylindropuntia ramosissima (xerophytes)

iv) On vulnerability of the forest land proposed for diversion, the District Forest Officer reported that there is no possibility of land slide over.

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 the eco-sensitive zone of the protected area notified under Wildlife (Protection) Act, 1972 not located within 1 km from boundary of NP/WLs etc.,

The District Forest Officer has reported that Elephant, wild boar, spotted deer are present in and around 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) Since the forest area proposed for diversion is part of Compensatory Afforestation land received in lieu of forest area diverted for mining lime stone for ACC Limited, the District Forest Officer has proposed compensatory afforestation scheme over an area of 1.24 ha non forest land identified in S. No. 499/3 of Thenkarai village in Madukkarai Forest Range area.

The user agency in letter no. 11324/2015/MH5, dated 17.11.2020 has furnished details of land identified as Compensatory land for the project.

ix) The District Forest Officer has proposed compensatory afforestation scheme at a cost of Rs. 807899/- including maintenance of plantation over a period of 10 years. Land suitability of CA land has been furnished by the DFO.

x) In the site inspection report, the DFO has stated that he inspected the area on 02.12.2020. The project is Creation of Christian burial ground in Madukkarai Forest block V Reserved land. There is no tree growth of ecological importance in the proposed area and canopy density of vegetation is 0.2-03 with few prosopis juliflora bushes and cylindropuntia ramosissima (xerophytes)

xi) In the recommendation of the project, the DGO has reported that the proposed area for diversion does not have any archeological and heritage related monuments and there is no tribal right affected by this project. Flagship species like tiger is not available in this Reserved land, hence there is no threat to major wildlife species. The project has minimum effects on environment and hence the DFO has recommended that an area of 0.62 ha of forest land in Madukkarai Forest Block-V Reserved land may be diverted for creation of Christian Burial Ground.

6) The Additional Principal Chief Conservator of Forests, Coimbatore Circle in his recommendation report, has reported that the project site is situated within the Madukkarai Forest block V which was handed over to Coimbatore Division as a compensatory afforestation land in lieu of the forest land diverted to ACC limited for mining lime stone and under the process of notification under Section 4 of the Tamil Nadu Forest Act, 1882. The project does not involve any cutting of trees. The proposal is for public oriented purpose and very much useful for the habitations at Kovaipudur, Sugunapuram, Milekal and Madukkarai areas of Coimbatore Corporation. The forest land required for this project is the bare minimum and the project is not likely to adversely impact on forest and wildlife. Hence the proposal recommended.

7) The DFO and APCCF has recommended the forest area diversion for a period proposal for 20 years.

Based on the recommendation of the District Forest Officer, Coimbatore Division and Additional Principal Chief Conservator of Forests, Coimbatore Circle, diversion of forest area has been recommended for a period of 20 years.

8) State Government is empowered to accord forest area diversion up to one ha area for certain critical public utility and welfare projects undertaken by the Government. However, diversion of forest land for activities like burial ground is

not find place in the list. Hence the forest area diversion of 0.62 ha for this project requires Government of India approval.

9) As recommended by the District Forest Officer, Coimbatore Division and Additional Principal Chief Conservator of Forests, Coimbatore Circle, the proposal of diversion of 0.62 ha of forest land in Madukkarai Forest Block-V Reserved Land in Madukkarai village of Coimbatore Forest Division for burial ground for Christians in Madukkarai village of Coimbatore Corporation area in favour of the Commissioner, Coimbatore City Municipal Corporation, Coimbatore is recommended 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 user agency has to properly fence the CA area, transfer and mutate 1.64 ha of non-forest land identified in S. No. 499/3 of Thenkarai village in Coimbatore District to the Forest Department.
- d) The User Agency has to pay the cost of Raising Compensatory Afforestation / Maintenance of plantation, protection of plantation etc., as fixed by the Forest Department and willingness to deposit additional amounts if any suggested as amended owing to the change in planting technique, enhancement in the FSR etc., demanded subsequently.
- e) 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.
- f) 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.
- g) The user agency shall compulsorily transfer the Compensatory Afforestation scheme cost and Net present Value of forest land proposed for diversion under the project to CAMPA funds only through e-portal (<https://parivesh.nic.in/>)

h) The User Agency has to pay the 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 of the above project in future for the entire project period.

i) The total forest area utilized for the project shall not exceeds 0.62 ha

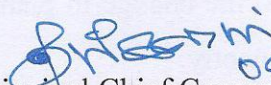
j) Period of lease can be twenty (20) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

10) The proposal is sent duly recommended by the Additional Principal Chief Conservator of Forests (Forest Conservation Act)/ Nodal Officer, Forest (Conservation) Act, 1980 (i/c) of the State of Tamil Nadu.

11) I request that the proposal may be considered and Government of India approval may be obtained for diversion of 0.62 ha of forest land in Madukkarai Forest Block-V Reserved Land in Madukkarai village of Coimbatore Forest Division for burial ground for Christians in Madukkarai village of Coimbatore Corporation area in favour of the Commissioner, Coimbatore City Municipal Corporation, Coimbatore for a period of 20 years.

Encl: As stated above.

Yours faithfully


For Principal Chief Conservator of Forests
(Head of Department)

8/12/2020

Proposal No. FP/TN/Others/57952/2020.

Forest Conservation Act, 1980 - Proposal for diversion of 0.62 ha of forest land in Madukkarai Forest Block-V Reserved Land in Madukkarai village of Coimbatore Forest Division for burial ground for Christians in Madukkarai village of Coimbatore Corporation area in favour of the Commissioner, Coimbatore City Municipal Corporation, Coimbatore.

PART - IV

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

| | |
|----|---|
| 17 | Detailed opinion and specific recommendation of the State Forest Department for acceptance of 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 -

Signature :

Name, Designation :

Thiru. S. Yuvaraj, I.F.S.,
Principal Chief Conservator of Forests
(Head of Department) and
Additional Principal Chief Conservator of Forests
(Forest Conservation Act) (i/c),
O/o the PCCF (Head of Department) Chennai -15

Date : 08-12-2020

Place : Chennai-15