

By online / E-mail.

TAMILNADU FOREST DEPARTMENT

From

To

Subrat Mahopatra, I.F.S.,
Principal Chief Conservator of Forests,
(Head of Forest Force)
Forest Head Quarters Building,
Guindy-Velachery Main Road,
Guindy, Chennai - 15.

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

Ref. No. TS3/5479/2021 Dated: 09.05.2023.

Madam,

Sub: Forest (Conservation) Act, 1980 – Proposal for diversion of 4.478 ha of forest land in Talamalai RF of Sathyamangalam Tiger Reserve Hasanur Division area for rehabilitation and upgradation of Tamil Nadu-Karnataka border from existing km 266.448 (Des km 266+449) to Attagulipura at existing km 290.706 (Des. Km 288+800) of NH 209 in the State of Tamil Nadu-Karnataka in favour of Project Director, National Highways Authority of India, Project Implementing Unit, Ramanagara, Karnataka State - Proposal forwarding off - Regarding.

- Ref: 1 Online application uploaded by the User Agency - Project Director, National Highways Authority of India, Project Implementing Unit, Ramanagara, Karnataka State Pin code 571511-- Proposal No. FP/TN/Road/121598/2021
- 2 Part-II of Form-A uploaded by the District Forest Officer and Deputy Director, Sathyamangalam Tiger Reserve, Hasanur Division on 01.03.2023
- 3 Part-III of Form-A uploaded by the Conservator of Forests and Field Director, Sathyamangalam Tiger Reserve, Erode on 24.04.2023

I wish to state that the Project Director, National Highways Authority of India, Project Implementing Unit, Ramanagara, Karnataka State has uploaded forest clearance proposal under Section 2 of Forest (Conservation) Act, 1980 for diversion of 4.478 ha of forest land in Talamalai RF of Sathyamangalam Tiger Reserve Hasanur Division area for rehabilitation and upgradation of Tamil Nadu-Karnataka border from existing km 266.448 (Des km 266+449) to Attagulipura at existing km 290.706 (Des. Km 288+800) of NH 209 in the State of Tamil Nadu-Karnataka under proposal No. FP/TN/Road/121598/2021

Brief details of the proposal are furnished 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 rehabilitation and upgradation of Tamil Nadu Karnataka border from existing km 266.448 (Des km 266+449) to Attagulipura at existing km 290.706 (Des. Km 288+800) of NH 209 in the State of Karnataka

iii) Short narrative of the project reported as, establishment of the technical, economical and financial viability of the project and two laning of Tamil Nadu Karnataka border to Bangalore section of NH-209.

iv) Estimate cost of the project reported as Rs. 2327100 lakhs

v) The User Agency has reported that area required in forest area is 4.478 ha., and non-forest land required for the project reported as 29.802 ha.,

vi) The User Agency has proposed the forest area diversion for the project for a period of 99 years.

vii) On behalf of User Agency, Project Implementing Unit, Ramanagara, National Highways Authority of India, - the Project Director, NHAI, PIU Ramanagara, Karnataka State has uploaded the proposal in the prescribed format. The legal status of the User Agency reported as Central Government.

viii) The project proponent has uploaded a copy of authorization issued by the Regional Officer, NHAI, Bangalore for furnishing forest clearance proposal on behalf of NHAI.

ix) 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

x) Diversion of 4.478 ha of forest has been requested in Hasanur Division of Sathyamangalam Tiger Reserve in Erode District. Village wise breakup of the forest area requirement has been reported as Talavadi Panchayat Union Reserved Forests.

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

a) Carriageway - 2.928 ha

b) Earthen shoulder	-	0.587 ha
c) Space left for future widening	-	0.962 ha
Total	-	4.477 ha

Forest area diversion has been requested in (i) Km 266/449 to 266/495 for 46m length and (ii) Km 277/385 to 280/265 for 2880m length in the State of Tamil Nadu

xii) The user agency has uploaded location map of the forest land proposed to be diverted in kml file of google earth for 4.407 ha area as against the proposed area of 4.478 ha, scanned copy of Survey of India topo sheet indicating the proposed road alignment marked in the map, scanned copy of Geo referenced location details of the forest land proposed to be diverted along with GPS co-ordinates.

xiii) The user agency has uploaded a copy of note containing justification for locating the project in forest area and uploaded a copy of map indicating location of alternative examined for the project.

xiv) The User Agency has stated that this project is likely to generate permanent/regular employment for 111 persons and temporary employment for 166 persons.

xv) 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 does not requires clearance under the Environment (Protection) Act, 1986.

xvi) The User Agency has stated that the project or part thereof located in protected area and status of the approval of Supreme Court of India reported as Application yet to be (Furnished) and Status of approval of the Standing Committee of Nation Board for the Wildlife (NBWL) to the project reported as application is under process and date of submission of proposal reported as 04.02.2021 and current status reported as NIL.

xvii) The user agency has reported that the project or a part thereof is not located in Scheduled area.

xviii) The user agency has reported that process for settlement of rights under the Forest Rights Act 2006 on the forest land proposed to be diverted has not been completed.

In the additional information details section, the user agency has uploaded a copy of letter addressed to the District Collector requesting to issue above certificate.

xix) Under the section of details of land identified for compensatory afforestation, the User Agency has stated that, non-forest or Revenue forest is not required to be provided by user agency and reason for not providing non-forest land reported as Not applicable.

-- As per Forest (Conservation) Act, 1980, guidelines, for the projects undertaken by the Central Government, Central PSU's, compensatory afforestation land may not be insisted instead of CA land, afforestation in twice the extent of degraded forest area identified by the State Forest Department may be undertaken at the cost provided by the user agencies.

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

1) Certified that the proposed project road does not affect any monument of Archaeological importance.

2) Typical road pavement cross section for two lane with paved shoulder.

3) Certified that the forest land diversion involved in this project is unavoidable and barest minimum with reference to the alternative examined.

4) Undertaking to pay the entire amount of compensatory afforestation in lieu of the forest area diverted for this project road as per the prevailing rates.

5) Undertaking to bear the cost of Net Present Value of forest land for the project.

6) Undertaking to bear the additional amount of Net Present Value of forest land for the project.

7) Undertaking to follow the procedure for obtaining FRA certificate under Recognition of Forest Rights Act 2006.

8) Certified that no labour camp will be established inside the forest area during the course of construction of the project road.

9) Copy of minutes of meeting of LA committee held on 12.1.2020

10) Chainage wise length and width of forest area - Area requirement statement of the forest land involved in the project.

11) Letter addressed to the Deputy Commissioner, Erode District requesting for RoFR certificate for the forest area involved in the project proposal.

12) Certified that there is no violation of the provisions of Forest (Conservation) Act, 1980 for the project.

13) Undertaking to pay the cost towards lease rent along with any escalation.

14) On non availability of non-forest land for the project, the user agency has reported that NHAI-PIU Ramanagara has applied to District Collector, Erode regarding issue of certificate and shall obtain necessary certificate before final approval of diversion of forest land.

15) Details of underpasses/ overpasses proposed for the safe passage of wild animals.

16) Sketch showing design of Elephant overpass/underpass

17) Justification for non-identification of compensatory Afforestation land.

As per Forest (Conservation) Act, 1980, guidelines, for the projects undertaken by the Central Government, central PSU's compensatory afforestation land may not be insisted instead of CA land, afforestation in twice the extent of degraded forest area identified by the State Forest Department may be undertaken at the cost provided by the user agencies.

18) Reply of user agency letter dated 27.04.2021 for the shortcomings informed/additional details requested on the project by the Nodal Officer.

19) Undertaking furnished on traffic movement in the project proposal area.

20) Reply of user agency letter dated 07.10.2022 for the shortcomings informed/additional details requested on the project by the Deputy Director, Hasanur Division.

21) Reply of user agency letter dated 16.12.2022 for the shortcomings informed/additional details requested on the project by the Deputy Director, Hasanur Division.

22) Reply of user agency letter dated 17.02.2023 for the shortcomings informed/additional details requested on the project by the Deputy Director, Hasanur Division.

(3) In the Part-II of Form-A, the Deputy Director, Hasanur Division has furnished following particulars.

i) The legal status of the proposed site of diversion of 4.478 ha of forest land requested for the project is Reserved Forests and as per site inspection report, name

of the forest land is "Thalamalai Reserved Forests". Extent of area proposed for diversion is 4.478 ha

ii) The District Forest Officer has reported that, density of the forest area is '0.55' and Eco class of forest area is three.

iii) As per the details uploaded in the table of species-wise girth-class wise enumeration of trees, 794 number of miscellaneous trees are available in the proposed forest diversion area.

iv) Working plan prescription for the forest land proposed for diversion reported by the Deputy Director Hasanur Division is 'As per Tiger Conservation Plan, the forest lands form the part of Core Area of Tiger Reserve and it is part of Chamrajnagar-Muduhalli-Thalamalai Elephant Corridor that need to be protected and conserved. It mentions roads are major threats which are responsible for habitat fragmentation and road kills including the big cats. It's major focus is to stop/limit the forest fragmentation and forest degradation'.

v) On vulnerability of the forest land proposed for diversion, the District Forest Officer reported that 'It will completely squeeze and isolate 142 ha of STR and a bigger part of BRT between 2 roads. The habitat fragmentation and degradation will enhance vulnerability'.

vi) The Deputy Director, Hasanur Division has reported that, 3 tiger, 1 leopard, 98 elephant, 17 sambar, 537 spotted deer, 24 indian gaur, 4 mouse deer, 12 porcupine, 2 barking deer, 1 sloth bear, 8 mongoose are either present or using this forest area as per last camera trap and wildlife census data.

a) The forest area proposed for diversion is forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor, Wildlife migration corridor etc.,

Details and comments on the impact of Project on such areas reported as follows.

The proposed project pass through core area of Tiger Reserve and one elephant corridor i.e. chamrajnagar-muduhalli-thalamalai passes through it whereas another elephant corridor Chamarajnagar-Thalamalai at Punjur is located very nearby. The forest area is rich of biodiversity including both fauna and flora. The Impact area comes around 5200 Ha for Elephants and 3800 ha for tiger since both are long ranging animals. Immediate impact will be completely isolation of 142 Ha

of STR which may be detrimental to wildlife since movement will be halted or limited across the road due to higher traffic. The adverse impacts are (1) isolation of already fragmented habitat, (2) Increased Human wildlife conflict due to fragmentation (3) It may Increase road kills due to higher vehicular movement, (4) It may affect seasonal migration of wildlife thus limiting gene pool and loss of libido, (5) Due to noise, light and other pollutants the avifauna and nocturnal species might be affected badly due to loss of tranquility and difficulties in navigation, (6) It may cause more human induced forest fires, increased solid and plastic waste, contamination of fodder/water/saltlick sources, (7) It may change constitution of habitat and crop diversity

b) The forest area proposed for diversion is not located within the eco-sensitive zone of the protected area notified under Wildlife (Protection) Act, 1972.

c) Details and comments on the impact of projects located in Tiger Reserve, Elephant Corridor located within 1 km from boundary of the forest land proposed for diversion reported as follows.

The Bigiri Ranganathaswamy Temple Tiger Reserve, Karanataka is located within 1 from the boundary of the forest land it shares the boundary with Sathyamangalam Tiger Reserve. Both Tiger Reserve give contiguous connectivity too habitat of wildlife and hosts two notified elephant corridor nearby. There impact will be similar as listed for Sathyamangalam Tiger Reserve

d) Rare/ endangered/ unique species of flora and fauna found in the area.

vii) There is no protected archaeological/ heritage site/ defense establishment or any other important monument is located in the area.

viii) The Deputy Director has reported that, 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.

ix) Proposed forest diversion area is 4.478 ha and felling of 794 number of trees involved.

a) The District Forest Officer has proposed compensatory afforestation scheme over double the extent of forest area to be diverted for the project ie., 8.956 ha in Guthiyalathur RF.

d) Location of the degraded forest land proposed for carry out compensatory afforestation scheme in kml file of google earth, Scanned copy of Survey of India topo sheet indicating the boundary of forest land, Scanned copy of Geo referenced location details and GPS co-ordinates of the proposed CA area and site suitability certificate of proposed CA area have been furnished.

x) Additional document on widening of highway in Sathyamangalam Tiger Reserve and details of road-kill recorded in Sathyamangalam Division from 2011-2022, List of wildlife species using the road proposed for widening by Highways, List of plant species recorded along the proposed widening of highways. List of bird species found in the proposed widening of highways, finding and key points of inspection has been uploaded.

xi) In the site inspection report uploaded in the web portal, the Deputy Director has reported that forest land proposed for diversion inspected multiple times along with biologists, ecologists and wildlife experts and joint inspection with Deputy Director, NHAI Official carried out on 20.10.2021.

Findings of the Inspection reported as

- The proposed land for FCA diversion falls under Thalamalai Reserve Forest and is part of Core Zone of Sathyamanagalam Tiger Reserve (STR).
- The proposed stretch land for FCA diversion is in vicinity of Bigiri Ranganatha Swamy Temple (BRT) Tiger Reserve and located at southern portion of the MoEF&CC Notified elephant corridor Chamrajnagar – Talamalai at Muddanalli. This corridor links Sathyamangalam Tiger Reserve with BRT Tiger Reserve.
- This forest stretch habitats endangered fauna such as Tiger, Leopard, etc., as well as endemic flora species *Pterolobium hexapetalum*, *Ruellia prostrata*, etc.
- There is already existing National Highway Road passing through STR and BRT Tiger reserve.
- There are existing 3 feeders road which connect the NH 209 and Thalavady town.

xii) The following observations has been made with regard to recommended/proposed option and alternative option in Deputy Director's Recommendation

- There is already an existing National Highway (NH 209) Road facility between Sathyamangalam and Chamrajanagar.

- The widening of the road from Chainage 277+385 to Chainage 280+265 will isolate the 142 Ha of Sathyamangalam Tiger Reserve (STR) and a large proportion of STR and BRT tiger reserve will be sandwiched between 2 roads. This may have detrimental effects on wildlife and may significantly increase the Human-Wildlife conflict.

- In the alternative analysis submitted by User Agency in its Proposal, one of the benefits of the recommended route is enhanced speed (40-100 Km/h). As per Hon'ble Madras High Court direction in WP NO 1830/2022, the speed limit on NH 209 passing through STR is restricted to 30km/h in the plain area and 20km/h in the Ghat road area. Hence this benefit is negated.

- Similarly, the Hon'ble Madras High Court in WP 1830/2022 has restricted the 12- wheel or more-wheel vehicles to ply/use the NH 209 road passing through Sathyamangalam Tiger Reserve. Hon'ble Court has also restricted the entry of vehicles carrying more than 16.2-tonne load including the weight of the vehicle. 2 days survey was done by the forest field team to check the total number and type of vehicles passing through STR using the NH 209 in 24 hours before the Hon'ble Court's directions. A similar exercise was also done after Hon'ble Court's directions came into effect. It was observed that commercial vehicle traffic had been greatly reduced by 60-65% whereas private vehicle traffic load has been reduced by 24%. It is evident from the result and direction about traffic restriction imposed by Hon'ble Court, the existing road is sufficient enough to sustain the present traffic load.

- There is not much difference in a number of curves in both routes. Since recommended option also includes the land acquisition of 44.06 Ha, the social impact may be more than that of an alternative option.

- Since the forest stretch is located near to notified Chamrajanagar – Talamalai at Muddahalli Elephant corridor and forms part of the core Zone of Sathyamangalam Tiger Reserve, the mitigation measures are not in consonance with the MoEF&CC notified Wildlife Institute of India guidelines about eco-friendly measures to mitigate the impact of linear infrastructure on wildlife.

- In recommended option, a small part from Chainage 266+449 to Chainage 266+495 is included. There is no connection or link between the two different stretches. While calculating the forest land diversion in recommended option, the distance was calculated from chainage 266+449 instead of Chainage 277+385. Because of inappropriate comparison, the area of forest diversion is more in recommended option instead of the alternative option. The clarification was asked for by Deputy Director from the user agency but was not submitted correctly.

- Even if forest diversion is more in the alternative option in comparison to the recommended option, ecological cost i.e., restriction of the gene pool and isolation of the forest patches between two nearly located roads is a more recommended option. Hence due to presence of alternative existing road and the proposal is not in consonance with the existing guiding principles of Forest and Wildlife conservation, the Forest Diversion Proposal i.e. FCA proposal is not recommended by the Deputy Director, Hasanur Division.

(4) The Conservator of Forests and Field Director, Sathyamangalam Tiger Reserve, Erode has reported that the area has been inspected on 12.04.2023

The proposal was submitted by the User Agency to request prior permission under the Forest (Conservation) Act 1980, for diversion of 4.407 ha of forest land in Sathyamangalam Tiger Reserve for upgradation of an existing road. The proposal is for a linear project, and it is proposed along the existing road of NH209 (now NH 948) and another connecting NH 948 with Thalavady town, passing through the Talamalai RF in Thalavady Range. During the field inspection of the proposed linear path, it was observed that,

- i. The proposed length and area from the User Agency's first proposal varies slightly based on the situation on the ground. This is because a part of the road in Tamil Nadu was added to Karnataka State.

- ii. The diversions are proposed in two segments in Tamil Nadu Portion.

- iii. The proposal is to upgrade and realign of existing NH 209 by widening improving/upgrading the existing single lane road from chainage 277.385 to 280.265

- iv. The proposed land is in the Core Zone of the Sathyamangalam Tiger Reserve.

- v. The proposed stretch of land for diversion is in the vicinity of Bigiri Ranganatha Swamy Temple (BGT) Tiger Reserve and located at the Southern

portion of the identified Elephant Corridor Chamarajanagar-Thalamalai at Muddanalli. This corridor links the Sathyamangalam Tiger Reserve with BRT Tiger Reserve.

vi. Widening of the road from Chainage 277.385 to 280.2654 will separate around 150 ha of Sathyamangalam Tiger Reserve and a significant chunk of the BRT Tiger Reserve from adjacent contiguous forests of the Sathyamangalam Tiger Reserve. This may have negative consequences for wildlife and substantially increase the human-wildlife conflict.

vii. The STR and BRT Tiger Reserve are currently traversed by a National Highway road. In the alternative analysis presented by the User Agency in its recommendation, increased speed (40-100 km/h) is cited as one of the advantages of the preferred route., As directed by the Hon'ble Madras High Court in W.P No. 1830/2022, the speed restriction on NH 209 (now NH 948) passing through Sathyamangalam Tiger Reserve is 30 km/h in the plain area and 20 km/h in the ghat road area. Therefore, this gain is nullified.

viii. Similarly, the Hon'ble High Court in W.P. No. 1830/2022 prohibited 12-wheel or more-wheel vehicles from using the NH 209 road that passes through Sathyamangalam Tiger Reserve. Hon'ble Court has also restricted the entry of vehicles carrying loads in excess of 16.2 tonnes including the vehicles weight. As a result of the implementation of the Hon'ble High Court order the commercial vehicle fleet has been substantially reduced to 60-65%

ix. At present, three feeder roads connect NH 209 to the town of Thalavady. The existing road facilities are more than adequate to accommodate the current vehicle traffic.

Considering the above facts and circumstanced the Conservator of Forests and Field Director, Sathyamangalam Tiger Reserve, Erode has not recommended the proposal to divert 4.4776 ha of forest in two portions of Talamalai RF.

5) The Deputy Director, Sathyamangalam Tiger Reserve, Hasanur Division and Conservator of Forests and Field Director, Sathyamangalam Tiger Reserve, Erode have not recommended the diversion of forest area for the reasons stated above. The proposed area falls in Core Zone of Sathyamangalam Tiger Reserve and is not in consonance with the existing guiding principles of Forest and Wildlife

conservation which could have deleterious effect on wildlife, hence the proposal is not recommended by the Nodal Officer of Forest Conservation Act of the State.

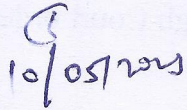
The proposal received from the Project Director, National Highways Authority of India, Project Implementing Unit, Ramanagara, Karnataka State for diversion of 4.478 ha of forest land in Talamalai RF of Sathyamangalam Tiger Reserve Hasanur Division area for rehabilitation and upgradation of Tamil Nadu-Karnataka border from existing km 266.448 (Des km 266+449) to Attagulipura at existing km 290.706 (Des. Km 288+800) of NH 209 in the State of Tamil Nadu-Karnataka is forwarded to the Government.

I request that the proposal may be considered with reference to the recommendation of the project and Government of India approval may be obtained for rejection of the proposal since the proposed forest diversion area falls in Core Zone of Sathyamangalam Tiger Deserve and is not in consonance with the existing guiding principles of Forest and Wildlife conservation which could have deleterious effect on wildlife.

Yours faithfully


10/05/2023

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


10/05/2023

PART - IV

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

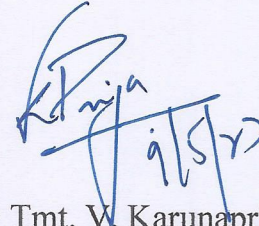
Name of the work: Forest (Conservation) Act, 1980 – Proposal for diversion of 4.478 ha of forest land in Talamalai RF of Sathyamangalam Tiger Reserve Hasanur Division area for rehabilitation and upgradation of Tamil Nadu-Karnataka border from existing km 266.448 (Des km 266+449) to Attagulipura at existing km 290.706 (Des. Km 288+800) of NH 209 in the State of Tamil Nadu-Karnataka in favour of Project Director, National Highways Authority of India, Project Implementing Unit, Ramanagara, Karnataka State - Proposal No. FP/TN/Road/121598/2021

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)

The proposed area falls in Core zone of Sathyamangalam Tiger Reserve and is not in consonance with existing guiding principles of Forest and Wildlife conservation which could have deleterious effect on Wildlife.

Hence ["]Not recommended.["]

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 : 09-05-2023

Place : Chennai-32.