

By online / Email. – Special Messenger

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.

Ref. No. TS3/49400/2020 Dated: 11.04.2022.

Madam,

Sub: Forest (Conservation) Act, 1980 – Mudumalai Tiger Reserve /
Nilgiris Forest Division – Proposal for diversion of 0.33 ha of
forest land in Arambi Reserved Forests for formation of road to
combined court complex at Udagamandalam in Nilgiris District
in favour of District Court, Udagamandalam, The Nilgiris District
– Forwarding Off - Regarding

- Ref: 1 Online forest clearance proposal uploaded by the User
Agency - District Court, Udagamandalam, The Nilgiris
District Proposal No. FP/TN/Road/101799/ 2020, dated
28.12.2020 and resubmission of proposal on 15.06.2021.
- 2 Part-II of Form-A uploaded in the web portal by the District
Forest Officer, Nilgiris Forest Division on 29.10.2021 and
EDS reply uploaded.
- 3 Part-III of Form-A uploaded by the Conservator of Forests,
Coimbatore Circle on 02.11.2021 and EDS reply uploaded

I wish to state that in the reference 1st cited, the CAO, District Court,
Udagamandalam, The Nilgiris District has uploaded online forest clearance
proposal under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.33
ha of forest land for formation of road to combined court complex at
Udagamandalam in Nilgiris District in favour of District Court, Udagamandalam,
The Nilgiris District under proposal No. FP/TN/Road/101799/2020

1) 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.

i) Name of the project in which forest land required reported as Road to
combined court complex at Udagamandalam and short narrative of the project

reported as easy road access to the combined court complex at Udagamandalam since there is no approach road to the court complex. More than 2000 people i.e., Judges, Advocate clerks, Police, Litigants and Court staff will be visiting the premises per day, so the road approach is very vital.

ii) The User Agency has reported that area required in forest area is for 0.33 ha., and non forest land required for the project is Zero ha.,

iii) On behalf of User Agency, District Court, Udagamandalam, The Nilgiris District - the CAO, District Court, Udagamandalam, The Nilgiris District has uploaded the proposal in the prescribed format. Legal status of the User Agency is State Government.

iv) In the Official memorandum issued by the Registrar (Management) High Court, Madras, authorizing the District Judge cum Chief Judicial Magistrate, The Nilgiris District, to apply forest clearance proposal, the user agency has uploaded a copy of authentication issued to the CAO of District Court by the District Judge.

v) In the section of uploading details of proposal seeking prior approval of Central Government under the Act, proposal for diversion of forest land for the project already submitted in the past reported as NIL.

vi) Diversion of 0.33 ha of forest has been requested in Nilgiris (North) Forest Division of the Nilgiris District. Name of the village in which forest land requested has been reported as Udagamandalam Town.

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

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 indicating the boundary of forest land proposed to be diverted, Scanned copy of Geo referenced location details and GPS co-ordinates of the proposed alignment path have been furnished. Name of the forest area in which diversion has been requested has been reported as Arambi RF.

ix) The user agency has uploaded note containing justification for locating the project in forest area.

ix-a) The User Agency has stated that, copy of map indicating location of alternative examined is not provided and reason for not providing such map reported as there is no alternative road approach for (the court complex).

x) The User Agency has stated that this project is likely to generate permanent/regular employment for 950 persons and temporary employment for 18000 persons, this project does not involve displacement of people due to the project, cost benefit analysis for the project is not required, not requires clearance under the Environment (Protection) Act, 1986 and the project or part thereof is not located in any protected area or their Eco sensitive zone and not located in 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 combined certificate issued by the District Collector, The Nilgiris District in Rc. No. 23220/2019, dated 22.06.2020.

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.

xiii) In the additional information details section, following documents were uploaded.

a) Certified that the requested diversion of forest land for the project proposal is designed for minimum forest area involvement.

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

c) Certified that no work in violation of the Forest (Conservation) Act 1980 has been carried out in the project proposal area.

d) Undertaking to deposit the cost towards compensatory afforestation scheme if any stipulated and willingness to deposit additional amount if any owing

to change in planting technique and enhancement of FSR etc., demanded subsequently.

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) 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

g) 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 the project.

h) 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.

i) Area breakup details of the forest area requirement (Length and width of the road alignment)

Length 178m and width 18.50m and area required reported as 329.3 sq.m or 0.33 ha. Revised area details of DGPS map has been furnished for (235.2m+218.00m) length with 15m width proposed forest diversion area.

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

i) The legal status of the proposed site of diversion of 0.33 ha of forest land requested for the project is Reserved Forest area.

As per site inspection report, name of the forest land is "Aramby Addition II Reserved Forests" and extent of area proposed for diversion is 0.33 ha

ii) The District Forest Officer has reported that, density of the forest area is 0.15 and Eco class of forest area is One.

iii) As per the details uploaded in the table of species-wise girth-class wise enumeration of trees, 69 trees (pine) are available in the proposed forest diversion area.

In the site inspection report, it was reported that 69 Pinus trees standing on the proposed area, which were planted by Research Range of Forest Genetics

Division of Coimbatore Circle during the year 1968. There is no spontaneous tree growth in the proposed site.

In the EDS query reply, the District Forest Officer has reported that the above area is under the control of Nilgiris Forest Division, hence No Objection Certificate from the Forest Genetics Division of Coimbatore is not required.

iv) On vulnerability of the forest land to erosion, the District Forest Officer has reported that slope grading of the site in question is less than 33%, therefore forest area will not be affected by the soil erosion..

v) The District Forest Officer has reported that the entire Nilgiris Forest Division is coming under Nilgiris Biosphere Reserve, but there would be no negative impact anticipated in lieu of this project kind of impact.

a) Forest area proposed for diversion is 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

b) The District Forest Officer has reported that black napped hare, wild boar, sambar deer, grey mongoose are present in and around the forest area 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 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) Proposed forest diversion area is 0.33 ha and 69 standing trees available in the area has to be removed.

The District Forest Officer has proposed compensatory afforestation scheme for planting 10 times of trees to be cut in the project area by planting of 690 saplings in 3.07 ha of degraded forest area identified in the Wenlockdown RF. Land suitability certificate for the CA scheme selected area has been uploaded.

Compensatory Afforestation scheme cost estimate furnished for the project proposal is as follows.

Sl. No.	Description	Amount (in Rs)
1	Compensatory Afforestation scheme cost for planting of 690 saplings with 10 year maintenance	13,42,503
2	Providing chain link fence around the plantation area to peripheral boundary of 756m	21,91,000
3	Providing RCC compound wall around the Aramby RF to a length of 250m	21,04,000
	Grand total	56,37,503

The District Forest Officer has proposed providing chain link fencing around the plantation area to peripheral boundary of 756m and reported that providing chain link fence around the plantation area of degraded forest land measuring 3.07 ha over an length of 760 meters with the height of 1.80 meters is highly essential to protect the saplings from wild animals like Indian Guar, Wild boar, Sambar deer, Barking deer etc., The Chain link fence will be removed after the saplings grow more than 3 meters height.

In the proposed forest diversion area, the District Forest Officer has proposed RCC compound wall around the Aramby RF to a length of 250 meters to protect the forest area from trespassing and protection.

ix) Location of the 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 have been furnished. CA scheme has been proposed in Wenlockdown RF.

xi) In the site inspection report of the project proposal, the District Forest Officer has reported the following.

a) The area of the proposed project has been inspected on 21.09.2021. The proposed project forming an access road on the eastern boundary of the combined court complex at Udagamandalam through the forest land for a length of 220m and width of 15m over an extent of 0.3298 ha in Old SF No 37/15/2 New T.S No. A/9/9 of Udagamandalam West, Udagamandalam Taluk of Aramby Addition II RF.

b) During the field inspection, observed that 69 pinus trees standing in the proposed area which were planted by Research Range of Forest Genetics Division of Coimbatore Circle during the year 1968. There is no spontaneous tree growth in the proposed site. Small wild animals like wild boar, Black napped hare, grey mongoose etc movement is recorded in the proposed area. The proposed project have minimal disturbance to wildlife since proposed road will be adjoining to new court complex. However necessary precautions shall be taken to minimize the disturbance to wildlife and prevent human-wildlife conflict.

x) In the recommendation of the project proposal, the District Forest Officer has proposed certain conditions for the timely execution of project and safe guard the forest areas.

4) The Conservator of Forests, Coimbatore Circle has reported that, the project area is less than 40 ha and hence the need of inspection of area does not arise.

a) In the recommendation of the project, the Conservator of Forests has reported that, the project site is situated within the Aramby RF. The proposed area to combined court complex at Kakkathope, Udagamandalam is a vital requirement for the general public and staff working in the Court. The project will have very minimum negative impact on forest and wildlife. There is no other alternative non-forest land is available for this project. The forest land of 0.33 ha required for this project is the bare minimum. Hence the proposal recommended subject to the conditions stipulated by the District Forest Officer in the recommendation letter.

5) The User Agency has requested forest area diversion for a period of NIL years. The District Forest Officer, Nilgiris Forest Division has not specified the time frame for forest area diversion. However, the Conservator of Forests, Coimbatore Circle has recommended the forest area diversion period for a period of twenty year.

Normally forest area diversion proposals are recommended for a period of 20 years for the road diversion proposals. Based on the recommendation made by the Conservator of Forests, Coimbatore Circle, diversion of forest area for

formation of access road to Combined Court complex at Udagamandalam through Aramby RF is recommended for a period of 20 years.

6) As per the Government of India, Ministry of Environment, Forests and Climate Change, New Delhi letter in File No.7-2/2021-ROHQ(Pt), dated 22.012.2021, physical copies (hard copies) of the documents of the proposal or related document thereof, need not be insisted for processing the proposal, henceforth. Hence the forest clearance proposal has been forwarded to the Government through web portal.

The proposal is sent through online with the recommendation of the Additional Principal Chief Conservator of Forests (Forest Conservation Act) / Nodal Officer, Forest (Conservation) Act, 1980 of the State of Tamil Nadu.

7) State Government has been empowered to accord General approval for diversion of forest area for the development of critical public utility and welfare projects undertaken by the Government such as Construction/widening of roads including approach road to roadside establishments, Drinking water, etc., subject to the following conditions

(a) Area not more than one hectare, in each case.

(b) The area shall not involve felling of more than 50 trees per/ha. In case the area to be diverted is less than 1 ha, then permissible tree felling limit, within the area to be diverted, shall be worked out proportionately. In any case, if the number of trees to be felled is less than 10, irrespective of the area to be diverted, within the limit of 1 ha, general approval will be applicable.

In this proposal, forest area involved for the project is 0.33 ha and felling of trees involved is 69 trees. Based on the guidelines in (b), the approval of this proposal has to be obtained from the Government of India.

8) As recommended by the District Forest Officer, Nilgiris Forest Division and Conservator of Forests, Coimbatore Circle/Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Udagamandalam, the proposal for diversion of 0.33 ha of forest land for formation of road to combined court complex at Udagamandalam in Nilgiris District in favour of District Court, Udagamandalam, The Nilgiris District is recommended to the Government for obtaining order from the Government of India, 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 pay the cost towards Compensatory afforestation scheme including protection and maintenance of plantation area and cost towards protection measures of the proposed forest diversion area as proposed by the District Forest Officer.

d) 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.

e) 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.

f) Amount towards Compensatory afforestation scheme including protection and maintenance of plantation, Protection measures of proposed forest diversion area, Net Present Value of forest area under the project shall be transferred / deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>)

g) 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.

h) The total forest area utilized for the project shall not exceeds 0.33 ha comprising the forest area to a length of 220m and 15.00m width.

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

j) 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.


k) 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.

9) I request that the proposal may be considered and Government of India approval may be obtained for diversion of 0.33 ha of forest land for formation of


road to combined court complex at Udagamandalam in Nilgiris District in favour of District Court, Udagamandalam, The Nilgiris District in favour of CAO, District Court, Udagamandalam, The Nilgiris District for a period of twenty years.

Encl: As stated above.

Yours faithfully

 11/04/2022

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


11/04/2022

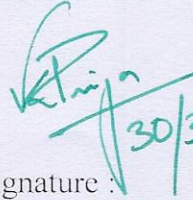
PART - IV

(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 – Mudumalai Tiger Reserve / Nilgiris Forest Division – Proposal for diversion of 0.33 ha of forest land in Arambi Reserved Forests for formation of road to combined court complex at Udagamandalam in Nilgiris District in favour of District Court, Udagamandalam, The Nilgiris District - Proposal No. FP/TN/Road/101799/2020

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)

Recommend!


30/3/22

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.

Date : 30 -03-2022

Place: Chennai-15.