

TAMILNADU FOREST DEPARTMENT

From
Subrat Mohapatra, I.F.S.,
Principal Chief Conservator of Forests
(Head of Forest Force)
Forest Headquarters Building,
Guindy Velachery Main Road,
Near Kannikapuram Checkpost,
Guindy, Chennai - 600 032.

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

C.No.TS4/12214/2019 Dated: 10.04.2023

Madam,

Sub: Forests - Forest (Conservation) Act, 1980 – SMTR, Madurai Circle /
Theni Division - Proposal for diversion of 0.057 ha now revised 0.045 ha
forest land for Mobile, Arasu cable, Broad band connectivity (OFC
connectivity) between Theni-Batlagundu through rural areas at Theni
District – Online proposal submission by the User Agency ie. BSNL,
Theni - Regarding.

Ref: 1) Online application uploaded by the User Agency –The Divisional
Engineer, OFC projects, BSNL, Madurai, dated: 17.02.2019 and
resubmitted on 24.04.2020. (FP/TN/OFC /38837/2019).
2. Acknowledgements uploaded by the user agency on
04.05.2022.
3. PCCF Ref.No:12214/2019/TS4 dated 27.05.2022
4. Part-II uploaded by the District Forest Officer, Theni on 01.08.2022
and Part-III uploaded by the Conservator of Forests & Field Director,
SMTR, Madurai on 18.10.2022.
5. Conservator of Forests & Field Director, SMTR, Madurai Letter
No:2471/2022/D1 dated 07.03.2023

I wish to state that, the Divisional Engineer, OFC projects, BSNL,
Madurai has sent a proposal through the District Forest Officer, Theni and
requesting permission for laying underground Optical Fiber cable between Theni-
Batlagundu through rural areas at Theni District along Valkaradu RF,
Paramasivankoil kaadu RL, Ammapuram Bit-2 RF and Pinnathevanpatti RL in
Theni Range of Theni Division, Theni District to a distance of 1800m and a width
of 0.25m for providing Mobile, Arasu cable, Broad band connectivity (OFC
connectivity) vide references 1st cited..

The User Agency has stated that they are planning to lay the
Optical fibre Cable connecting mostly through village areas to ensure better
connectivity to remote areas. The project is proposed to connect the villages like

Old Batlagundu, Viralipatti, Eluvanampatti, Bomminaickenptti, Sindhuvampatti, Jeyamangalam, Melmangalam, Kamakkapatti, Chokkadevanpatti, Ammapatti and Pinnadevanpatti.

The cable alignment will be suitably diverted to avoid any cutting of trees and laid within the road boundary by excavating narrow trench of 25cm width and upto 1 to 2m depth

The User Agency (ie. Divisional Engineer, OFC projects, BSNL, Madurai) has furnished the following details / undertakings along with the proposal.

- 1) Form-A, Part-1 for seeking prior approval under Section 2 of the Forest (Conservation) Act, 1980.
- 2) Short narrative of the proposal for which the forest land is required. (As required vide A-1 (iii) of proposal format).
- 3) Copy of Survey of India topo sheet indicating boundary of forest land proposed to be diverted has been up-loaded forest boundary (Section C of Maps-C.iii)
- 4) Geo referenced location map of the proposed diversion of forest area for formation of road marked in the Google earth (Section C of Maps-C (iv)).
- 5) Certificate from the project proponent about not violated any provisions of the Forest (Conservation) Act, 1980.
- 6) Certificate from the project proponent about no alternate suitable non forest land is available for the project and demands for forest land for the project is minimum has been uploaded.
- 7) Undertaking to pay the amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India
- 8) 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.
- 9) Undertaking to agree 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.

10) 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 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.

11) Undertaking to bear the cost of felling of trees and transportation cost of the trees to be removed if any available in the alignment path, for the proposed diversion of forest as fixed by the Forest Department

12) Copy of document in support of the competence / authority of the person making this application to make application on behalf of the User Agency (As required vide A-3, (xvii) of proposal format).

13) Note containing justification for locating the project in forest area (As required vide D.(i) of proposal format) not enclosed.

14) For settlement of Rights under the Forest Rights Acts 2006 on the forest land proposed to be diverted, the certificate obtained from the District Collector, Theni is enclosed.(as required vide K(i)of the proposed format) in District Collector, Theni ref.no:16524/2018G7 dated 12.12.2019

15) Certificate obtained from District Collector regarding no alternate route available for the project is enclosed in District Collector, Theni ref.no:16524/2018G7 dated 12.12.2019.

16) Location map of the forest land proposed to be diverted in kml file of google earth uploaded is not clear. Kindly upload the correct kml file of google earth.

The District Forest Officer, Theni has uploaded the Part-II of the above proposal and is detailed below.

1. Area to be diverted for the above proposal is 0.045ha to a density of 0.4 and type of forest is Eco class-3 and the trees available in the project area is 'Nil'.
2. Approximate distance of the proposed site for diversion from boundary of forests is 0.001km
3. The details of wildlife present in and around the forest land proposed for diversion is Reptilian fauna.

4. The proposed area is not located within eco-sensitive zone (ESZ) of the Protected Area notified under Wildlife (Protection) Act, 1972.
5. The proposed area is not located in any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc.,
6. There is no rare/endangered/unique species of flora and fauna found in the area.
7. There is no protected archaeological/heritage site/defense establishment or any other important monument is located in the area.
8. The requirement of forest land as proposed by the user agency is unavoidable and bare minimum for the project.
9. There is no work in violation of the Act or guidelines issued under the Act have been carried out.
10. No Compensatory Afforestation has been proposed.

2) The District Forest Officer, Theni has inspected the proposed project site on 20.07.2022 and stated that

(i) The area requested by the User Agency is 0.045 Ha. for Laying of underground OFC along road side from Batlagundu to Theni across Pinnathevanpatti RL, Ammapuram Bit – II RF, ParamasivankovilKaradu RL and Valkaradu RF of Theni Forest Division as follows,

S.No.	Reserved Forest / Reserved Land	Length (m)	Width (m)	Area (m2)
01	Pinnathevanpatti RL	600	0.25	150.00
02	Ammapuram Bit – II RF	190	0.25	47.50
03	ParamasivankovilKaradu RL	760	0.25	190
04	Valkaradu RF	250	0.25	62.50
Total		1800		450.00

(ii).The area is side of the road devoid of vegetation with no tree growth and no important monuments.

(iii).The distance from the proposed project location to Kodaikanal Wildlife Sanctuary is 12.30 km and to SrivilliputhurMegamalai Tiger Reserve, Megamalai Division is 12.80 km.

(iv).There is no spontaneous tree growth, no endangered flora found

(v).The project site doesn't have any important monuments which has archaeological importance / heritage site / defense establishment etc.

(vi). Since the project is essential for improvement of communication infrastructure and Hon'ble Prime Minister vision of Digital India, the diversion of 0.045 Ha. Of forest land may be permitted.

3) In the recommendation, the District Forest Officer has stated that

a. The project for diversion of 0.045Ha forest land is in Pinnathevanpatti RL, Ammapuram Bit – II RF, ParamasivankovilKaradu RL and Valkaradu RF of Theni Forest Division and it doesn't fall in Eco Sensitive Zone (ESZ) of Megamalai and Kodaikanal Wildlife Sanctuaries and also does not falls under Ecologically Sensitive Area (ESA).

b. Proposed site doesn't have any important monuments / heritage site and is devoid of vegetation.

c. The District Collector has certified that there is no alternate non forest land,

d. The User Agency has not carried out any work in violation of provisions of Forest (Conservation) Act, 1980.

e. Since the project aims to provide improvement of Communication infrastructure and Hon'ble Prime Ministers vision of Digital India, the diversion of 0.045Ha. of forest land may be permitted.

4) The Conservator of Forests and Field Director, SMTR, Madurai has inspected the proposed area for laying an underground Optical Fiber Cable in an extent of 0.045 Ha in Theni Range of Theni Division and Theni District along with the District Forest Officer, Theni and concerned officials on 14.10.2022 and uploaded revised site inspection report as follows.

i. The proposed underground Optical Fibre Cable passes through the forest area in a length of 1800 mt, width of 0.25 mt and depth of 2.00m along the roadside from Batlagundu to Theni across Pinnathevanpatti RL, Ammapuram Bit III RF, Paramasivankovil Karadu RL and Valkaradu RF and village near Allinagaram, Karuvelnaickanpatti, Boduvarpatti and Pinnathevanpatti in Theni Forest Division.

ii. This project does not involve any felling of trees nor cause any disturbance to vegetation or any spontaneous growth in the proposed RF area.

iii. The area to be diverted falls in the following RF/RL;

S.No	ReservedForest/ Reserved Land	Length (m)	Width(m)	Area(m2)
1	Pinnathevanpatti RL	600	0.25	150.00
2	Ammapuram Bit-II RF	190	0.25	47.50

3	Paramasivan Kovil Karadu RL	760	0.25	190
4	Valkaradu RF	250	0.25	62.50
	Total	1800		450

iv. The proposed area does not fall under any Eco Sensitive Zone, Wildlife Sanctuary, National Park or Tiger Reserve.

v. There are no trees to be felled for laying the underground OFC cable.

vi. Based on the inspection, it is advisable to take up the width as 30cms for laying the cable and the area to be diverted may be changed to 540 m² ie. 0.054 Ha. for Laying of underground OFC along road side from Batlagundu to Theni across Pinnathevanpatti RL, Ammapuram Bit – II RF, ParamasivankovilKaradu RL and Valkaradu RF of Theni Forest Division.

5) In the specific recommendation in Part-III, the Conservator of Forest & Field Director has stated that, the proposed diversion of forest land 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.

The proposed underground OFC is proposed to pass through Valkaradu RF, Paramasivan Kovil Karadu RL, Ammapuram Bit II RF, Pinnathevanpatti RL to a length of 1800m, and width of 0.25m and in depth 2m. Recommended, for diversion of 540 m² (0.054 Ha) as the width may be increased to 30 cms from 25cms as the OFC cable is proposed to be laid underground and no tree felling is involved.

The Conservator of Forests has recommended the area for 0.054ha instead of 0.045ha proposed by the user agency.

The Compensatory Afforestation proposal for this project is not proposed as the area proposed for the diversion is less than 1.00 Ha. And no felling of trees involved. The District Forest Officer has recommended that an area of 0.045 Ha (Over a length of 1800m, width 25cm) as requested by the user agency. AS the User Agency and the DFO, Theni had agreed to a width of 0.25 m the proposal for laying underground OFC through Valkaradu RF, Paramasivan Kovil Karadu RL, Ammapuram Bit II RF and Pinnathevanpatti RL to a length of 1800m, and width of 0.25m is recommended for diversion of 0.045 ha.

In this regard, I submit that, In Government of India Guidelines of Forest (Conservation) Act, 1980 in F.No.5-3/2007-FC, dated 05.02.2009, exemption for payment of Net Present Value for underground laying of Optical Fibre Cable has

been allowed, if the area does not form a part of National Park / Sanctuary and no felling of trees is involved.

The above area is not declared as National Park / Sanctuary and no felling of trees involved in this project. Hence payment of Net Present Value for the forest area diversion of laying OFC may not be insisted.

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

8) The proposal is sent herewith duly recommended in the Part IV format proposal by the Additional Principal Chief Conservator of Forests (FCA) / Nodal Officer (Forest Conservation Act).

The proposal for diversion of 0.045ha of forest land passing through Valkaradu RF, Paramasivan Kovil Karadu RL, Ammapuram Bit II RF and Pinnathevanpatti RL of Theni Forest Division to a length of 1800m, and width of 0.25m for underground OFC along existing road through BSNL, Madurai is recommended and forwarded to the Government of Tamilnadu for granting approval under chapter 4.3 of Handbook of Forests (Conservation) Act, 1980 and Forest Conservation Rules 2003 subject to the following conditions.


1. The legal status of the land shall remain unchanged and shall remain as Reserved Forests.
2. The demarcation of the proposed forest area shall be carried out by erecting 4 feet height cement concrete pillars duly numbered as decided by the District Forest Officer concerned at the cost of User Agency.
3. The Net Present Value (NPV) and 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.
4. 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.
5. The forest land shall not be used for any other purpose other than that specified in the proposal.
6. 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.
7. The period of lease is 20 years
8. The User Agency should send renewal proposal one year before expiry of lease.

9. The Conservator of Forests and District Forest Officer may impose any other condition in the interest of conservation /protection land development of forests.

I am enclosing the proposal duly recommended for approval under Forest (Conservation) Act, 1980 for diversion of 0.045ha of forest land passing through Valkaradu RF, Paramasivan Kovil Karadu RL, Ammapuram Bit II RF and Pinnathevanpatti RL OF Theni Forest Division to a length of 1800m, and width of 0.25m and in depth 2m for underground OFC along existing road in favour of Divisional Engineer, OFC, Projects, BSNL, Madurai for a period of 20 years.

Encl.: Proposal.

Yours faithfully

 11/04/2023

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

11/04/2023

PART IV

(To be filed 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 0.045ha of forest land to pass through Valkaradu RF, Paramasivan Kovil Karadu RL, Ammapuram Bit -2 RF, Pinnathevanpatti RL to a length of 1800m and width of 0.25m and in depth 2m in Theni Forest Division, Theni District..

Proposal No.FP/TN/OFC /38837/2019.

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).

Date: 06.04.2023.

Place: Chennai.

Signature:

Name :V.Karunapriya,I.F.S.

Official Seal:

Additional Principal Chief Conservator of Forests(FCA)/
Nodal Officer