

TAMIL NADU FOREST DEPARTMENT

From
Thiru Ashok Upreti, IFS.,
Principal Chief Conservator of Forests,
(Head of Department),
Panagal Maaligai, Saidapet,
Chennai - 600 015.

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

Ref. No. TS4/20483/2021 dated. 01.09.2021

Madam,

Sub: Forests - Forest (Conservation) Act, 1980 –Thanjavur Circle /
Thanjavur Division - Proposal for diversion of forest land of 0.0405
Ha for creation of addl. source of pump house at Kadambankudi
under CWSS to 893 habitations in Nagapattinam District – Online
proposal submission by the User Agency ie. TWAD Board,
Nagapattinam- Regarding.

- Ref:
- 1 Online application uploaded by the User Agency – The Executive Engineer, Maintenance, TWAD Board, Nagapattinam dt. 25.05.2021(FP/TN/Water/142564/2021)
 - 2 Principal Chief Conservator of Forests Ref. No: C.No. TS4/ 20483/ 2021 Dated: 14.06.2021.
 - 3 Revised Online application uploaded by the User Agency – The Executive Engineer, Maintenance, TWAD Board, Nagapattinam dt. 12.07.2021.
 - 4 Part-II & Part-III uploaded by the District Forest Officer, Thanjavur and Conservator of Forests, Thanjavur dated 28.07.2021 & 4.08.2021.
 - 5 Revised Part-II & Part-III uploaded by the District Forest Officer, Thanjavur and Conservator of Forests, Thanjavur dated 12.08.2021.

I wish to state that the Executive Engineer, Maintenance, TWAD Board, Nagapattinam has sent a proposal under Section 2 of Forest (Conservation) Act, 1980 for diversion of forest land of 0.0405 Ha for creation of addl. source of pump house at Kadambamkudi under CWSS to 893 habitations in Nagapattinam District through online web portal in the prescribed format.

2) The user agency has stated that the area proposed is to construct 1 No. of collector well cum Foot Bridge within the riverbed of Coleroon at Kadambamkudi under CWSS to 893 in Nagapattinam District. Also stated that in order to mitigate the anticipated drought condition, it is highly essential to establish an addl. source for the CWSS. During the Collectors and Superintendent of Police conference conducted by the Hon,ble Chief

Minister of Tamilnadu on 07.03.2018, the Hon'ble Chief Minister announced an announcement No.5 stating that investigation to be taken up for creating additional source with pump room to CWSS to 893 Habitations in Nagapattinam District. Accordingly the user agency has furnished forest land diversion proposal under Forest Conservation Act 1980.

3) The User Agency has furnished following Certificates / Undertakings.

- i. Signed copy of Form A.
- ii. Letter of Authorisation.
- iii. Justification for locating the project in Forest land
- iv. Certificate obtained from the District Collector, Thanjavur District about Settlement of rights under Scheduled Tribes and Other Traditional Forest Dwellers under Forest Rights Act 2006 in the prescribed format along with certificate of no alternate suitable non forest land is available for the above project.
- v. Undertaking given by the User Agency regarding the no violation of any provisions of Forest (Conservation) Act, 1980
- vi. Undertaking for the payment of Net Present Value of the forest land required for the purpose of the above project.
- vii. Undertaking for the payment of Additional Net Present Value of the forest land as demanded by the Forest Department in future as per the guidelines of the Hon'ble Supreme Court of India.
- viii. Undertaking to bear the cost of raising and maintenance 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.
- ix. Undertaking for the payment of 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.
- x. Undertaking given by the User Agency regarding No alternate suitable non forest land is available for the project and the demand of forest land for the project is minimum.

xi. Undertaking for the payment of cost of felling of trees and transportation cost of the trees to be removed for the trees available in the alignment path in the forest land which shall be fixed by the Forest Department.

xii. Geo referenced map for the Forest land proposed for diversion in Maharajapuram Reserved Forest.

xiii. Survey of India topo - sheet indicating boundary of forest land proposed for diversion in Maharajapuram Reserved Forest.

4) The District Forest Officer, Thanjavur has inspected the proposed project area for diversion of forest land of 0.0405 Ha for creation of addl. source of pump house at Kadambamkudi under CWSS to 893 habitations in Nagapattinam District on 05.05.2021 and 28.07.2021 and furnished his report as follows.

(i) The proposed area for diversion is very minimum and there is no alternative land for the proposed project.

(ii) The user agency has not started any work in the proposed site inside Maharajapuram Reserved Forest.

(iii) The user agency shall pay the Net Present Value imposed as per the revised Forest Conservation Act 1980 guidelines.

(iv) There are no rare or endangered or Unique species of Flora and Fauna in the Maharajapuram Reserved Forest. There is no plantation present there and only ground bushes are found there.

(v) There is no protected archaeological / Heritage site / defense establishment and there are no monument in the above project site.

5) The District Forest Officer has not insisted Compensatory Afforestation scheme as the forest land proposed for diversion is less than one ha and no felling of trees involved in the proposal.

6) In his recommendation the District Forest Officer, Thanjavur has stated that the area proposed for diversion is minimum required and the proposed area is unavoidable as the project is designed to provide drinking water facilities to 893 habitations and a population of 4,88,261 in Nagapattinam District and hence recommended the proposal.

7) The Conservator of Forests, Thanjavur has inspected the areas proposed for diversion forest land of 0.0405 Ha for creation of addl. source of pump house to CWSS at Kadambamkudi to 893 habitations in Nagapattinam District on 02.08.2021 and

stated that the area proposed for diversion has sparse growth of Prosopis Juliflora and there is no native vegetation observed.

He has recommended in part III of Form A proposal and stated that the proposed area is unavoidable as the project is critical for drinking water purpose and benefit for around 4,88,261 populations in Nagapattinam District. Since it is a genuine requirement, it can be permitted within the guidelines of Forest Conservation Act 1980.

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

9) The proposal is sent herewith duly recommended in the part IV of Form A by the Additional Principal Chief Conservator of Forests (FCA) / Nodal Officer (Forest Conservation Act).

10) The area proposed for diversion of 0.0405ha of forest land in Maharajapuram Reserved Forest for creation of addl. source of pump house at Kadambamkudi under CWSS to 893 habitations in Nagapattinam District in Thanjavur Forest Division is recommended and forwarded to the Government of Tamilnadu for considering the proposal under the General Category wherein the State Government has empowered to divert forest areas upto one Ha for critical public utility and welfare projects undertaken by the Government agencies and in principle Stage-I approval orders may be issued subject to the following conditions.

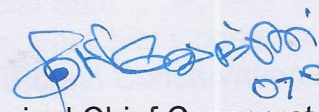
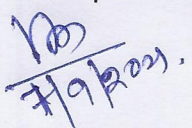
- (i) The legal status of the land shall remain unchanged and shall remain as Reserved Forests.
- (ii) The demarcation of the proposed forest area shall be carried out by erecting 4 feet height cement concrete pillars duly numbered at an interval of 20 mts at the cost of User Agency.
- (iii) The User Agency shall pay the Net present value of the diverted forest area at the rates stipulated by the Ministry of Environment and Forests from time to time, as per the orders of the Hon'ble Supreme Court Order dated 28.03.2008 and 09.05.2008 in IA Nos. 826 in 566 with related IAS in Writ Petition(Civil) No.202/1995.
- (iv) The fund from the User Agency towards NPV under this project shall be deposited by generating challan from the Ministry's Online web portal. UTR No and date should be furnished.

- (v) The 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.
- (vi) 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.
- (vii) The forest land shall not be used for any other purpose other than that specified in the proposal.
- (viii) 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.
- (ix) The period of lease is 20 years
- (x) The User Agency should send renewal proposal one year before expiry of lease.
- (xi) The Conservator of Forests and District Forest Officer may impose any other condition in the interest of conservation /protection land development of forests.

11) I request that in-principle Stage-I approval under Forest (Conservation) Act, 1980 for diversion of 0.0405ha of forest land in Maharajapuram Reserved Forest for creation of addl. source of pump house at Kadambamkudi under CWSS to 893 habitations in Nagapattinam District for a period of 20 years may be accorded in favour of the Executive Engineer, TWAD Board, Maintenance, Nagapattinam District.

Encl.: Proposal in duplicate.

Yours faithfully


07/09/2021
for Principal Chief Conservator of Forests
(Head of Department)

7/9/2021

PART IV

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

Name of Work: Forests - Forest (Conservation) Act, 1980 – Proposal for diversion of forest land of 0.0405 Ha for creation of addl. source of pump house at Kadambamkudi under CWSS to 893 habitations in Nagapattinam District – Online proposal submission by the User Agency ie. TWAD Board, Nagapattinam- (Proposal No:FP/TN/Water/142564/2021)


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).

Recommended

Date 31.08.2021

Place : Chennai

Signature: 

Name : DR. V. NAGANATHAN

Official Seal:
Additional Principal Chief Conservator of Forests
(Forest Conservation Act)