

TAMILNADU FOREST DEPARTMENT

From
Dr.P.Durairasu, I.F.S.,
Principal Chief Conservator of Forests
(Head of Forest Force)
PanagalMaaligai, Saidapet,
Chennai - 600 015.

To
The Principal Secretary to Government,
Environment and Forests Department,
Secretariat,
Chennai 9.

C.No.TS4/42954/2019 Dated: 19.05.2020

Sub: Forests - Forest (Conservation) Act, 1980 –Tirunelveli Circle / Tirunelveli Division - Proposal for diversion of 0.1196 ha for Muthur- Sivanthipatti Road Water Supply to Reddiarpatti and other 63 Rural habitations in Tirunelveli District – Online proposal submission by the User Agency ie. TWAD Board, Tirunelveli - Regarding.

- Ref: 1. Online application uploaded by the User Agency – The Executive Engineer, TWAD Board, Tirunelveli dt. 27.08.2019. (FP/TN/Water /41577/2019).
2. Principal Chief Conservator of Forests, Chennai Ref.No:42954/2019/TS4 dated 14.10.2019.
3. Revised Online application uploaded by the User Agency on 24.10.2019.
4. Principal Chief Conservator of Forests ,Chennai Ref.No: 42954/2019/TS4 dated 31.10.2019.
5. Revised Online application uploaded by the User Agency on 13.11.2019.
6. Principal Chief Conservator of Forests, Chennai Ref.No:42954/2019/TS4 dated 15.11.2019.
7. Acknowledgements uploaded by the User Agency on 03.12.2019.
8. Chief Conservator of Forests, Tirunelveli Ref.No:10678/2019 D1 dated 12.03.2020
9. Part II and Part III uploaded on 20.03.2020.

The Executive Engineer, TWAD Board, Tirunelveli has furnished online application under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.1196 ha for Muthur- Sivanthipatti Road Water Supply to Reddiarpatti and other

63 Rural habitations in Tirunelveli District vide reference 1st cited and uploaded the revised proposal vide ref.3rd and 5th cited.

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 in the online submission and Monitoring of Forests Clearances Proposal (OSMFCP) portal.

The User Agency has proposed forest area diversion for a period of 99 years (A.1.x of proposal format)

The User Agency (ie.,The Executive Engineer, TWAD Board, Tirunelveli) 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) Note containing justification for locating the project in forest area (As required vide D.(i) of proposal format) Brief scheme report is enclosed.

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) Certificate from the project proponent about not violated any provisions of the Forest (Conservation) Act, 1980.

8) Certificate regarding Compensatory Afforestation and Catchment treatment cost etc. is provided in the project estimate and would be paid to Forest Department. on demand by the Project Authority.

9) 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.

10) Copy of document in support of the competent / 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).

11) Component wise break up details of forest area required for the project of 0.1196 ha such as length, width etc., (As required vide B-2.4 of proposal format)

12) 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, Tirunelveli is enclosed. (as required vide K(i) of the proposed format)

13) Signed copy of Form A enclosed.

14) Undertaking to bear the cost of Compensatory Afforestation, Penal Compensatory Afforestation, Maintenance of Plantation and Protection of plantation for the proposed diversion as fixed by the Forest Department.

15) Undertaking to pay the Net Present Value as fixed by Hon'ble Supreme Court of India.

16) Undertaking to pay the Additional Net Present Value as fixed by Hon'ble Supreme Court of India in future.

17) Undertaking to pay the cost along with any escalation for exploitation of trees if any available in the path for the proposed diversion of land as fixed by the Forest Department.

18) Undertaking to pay the cost towards lease rent as fixed by the Forest Department at the time of sanction along with any escalation in future.

In this regard, I wish to inform that the User Agency has uploaded all the certificates /undertaking certificates as required in this proposal.

The DFO & WLW, Tirunelveli has inspected the proposed site on 09.12.2019 and stated that the proposed area is 0.1196 ha falling in Muthur Reserved Forest of Tirunelveli Range of Tirunelveli Forest Division for the diversion of forest land for CWSS to Reddiarpatti and other 63 Rural habitations

in Palayamkottai Union in Tirunelveli District. The area has thorn scrub vegetation. The linear area of proposed water supply pipeline is 0.1196 ha. (The length 1.994 km and average width of 0.06 m and average depth of 1.2m).

No tree felling for this project and no endangered species of flora and fauna in the proposed area. The proposed area for diversion do not have any important monuments which are archeological/heritage/Defence establishment site etc.

In the proposed area the User Agency has not carried out any work which contravenes the Forest (Conservation) Act, 1980. Since there is no alternate route for water supply pipeline, water supply is very much essential to public, on this ground CWSS to Reddiarpatti and other 63 rural habitations in Palayamkottai Union in Tirunelveli District, diversion of 0.1196 ha Forest land is recommended.

The Chief Conservator of Forests, Tirunelveli has inspected the proposed site along with District Forest Officer, Tirunelveli and the concerned Forest Range Officer and the User Agency. At the time no demarcation was made on the ground regarding the proposed area and also no GPS reading etc. was available for verification.

Meanwhile the District Forest Officer, Tirunelveli has been transferred and hence the newly joined District Forest Officer has also inspected the said area on 07.03.2020 and submitted his site inspection report after rectifying the defected pointed out.

The Chief Conservator of Forests, Tirunelveli has also stated that the proposed area for diversion is required for laying of Drinking water pipeline for Combined Water Supply Scheme (CWSS) to Reddiarpatti and other 63 rural habitation of Palayamkottai Union in Tirunelveli District. During the field visit it was noted that no demarcation was made on the ground regarding the proposed area. Also no GPS reading was available for verification. The site is in degraded forest class (Canopy<0.4) and has thorny scrub vegetation. The linear length proposed is 1698 m in one stretch and 296m in another stretch for a width of 60cm, totaling to a diversion of $(1698\text{m}+296\text{m}) \times 0.60\text{m} = 0.1196 \text{ ha}$. The User

Agency was informed to get GPS reading of the centre line of the project and to mark on ground and centre line GPS reading is done and provided now. Also the User Agency was informed to rethink whether the 60cm width is enough to dig the pipeline with JCB. The report of user Agency in this regard is doubtful. No tree felling is required in the proposed area. No endangered species of flora and fauna is noticed in the proposed area. The proposed area for diversion does not have any important movements which are archeological/heritage/defence etc., significance.

He is also stated that, there is no alternate route for laying drinking water supply pipeline, the area required is bare minimum and related to public utility.

Under the above circumstances the Chief Conservator of Forests, Tirunelveli has recommended for clearance under Forest Conservation Act subject.

The area proposed for diversion of 0.1196 ha for Muthur- Sivanthipatti Road Water Supply to Reddiarpatti and other 63 Rural habitations in Tirunelveli District is recommended and forwarded to the Government of Tamilnadu for approval Subject to the following conditions.

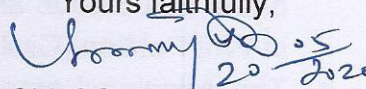
1. The legal status of the land shall remain unchanged and shall remain as Reserved Forests.
2. The demarcation of the proposed forest area shall be carried out by erecting 4 feet height cement concrete pillars duly numbered at an interval of 20 mts. at the cost of User Agency.
3. The User Agency shall 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.
4. The Additional amount of the Net Present Value (NPV) of the diverted forestland 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.
5. The User Agency has to pay the cost of raising Compensatory Afforestation and maintenance of plantation, Protection of plantation etc.

- as fixed by the Forest Department and willingness to deposit additional amount if any suggested and demanded subsequently.
6. 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.
 7. The forest land shall not be used for any other purpose other than that specified in the proposal.
 8. 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 and subsequent changes.
 9. Period of lease is twenty years. The User Agency has to apply renewal proposal before 6 months of expiry of lease with the State Forest Department.
 10. The District Forest Officer may impose any other condition in the interest of conservation /protection and development of forests.

The proposal duly recommended by the Additional Principal Chief Conservator of Forests (Forest (Conservation) Act) /Nodal Officer, Forest (Conservation) Act, 1980 is sent herewith. I request that the proposal may kindly be forwarded to Government of India for approval for diversion of 0.1196 ha for Muthur-Sivanthipatti Road Water Supply to Reddiarpatti and other 63 Rural habitations in Tirunelveli District for a period of twenty years.

Encl.: Proposal in Form A
Part I, II,III& IV (original)
in duplicate.

by
20.5.2020

Yours faithfully,

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

PART IV

(To be filed 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 or otherwise of the proposal with remarks.

Name of the work: Forest (Conservation) Act, 1980 – Proposal for diversion of 0.1196 ha for Muthur-Sivanthipatti Road Water Supply to Reddiarpatti and other 63 Rural habitations in Tirunelveli District - Online proposal submission by the User Agency ie. TWAD Board, Tirunelveli

(FP/TN/Water /41577/2019).

(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: 19-5-20

Place:

Signature:

Name : Additional Principal Chief Conservator of Forests
(Forest Conservator Act)

O/o PCCF (HoD), Chennai-600 015.

Official Seal: