

By On-line / E-mail

TAMILNADU FOREST DEPARTMENT

From

Dr. N. Krishnakumar, I.F.S.,
Principal Chief Conservator of Forests
(Head of Department),
Panagal Maaligai, Saidapet,
Chennai - 600 015.

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

C. No. TS3/21773/2016 Dated: 19.09.2016.

Sir,

Sub: Forest (Conservation) Act, 1980 - Proposal for diversion of 0.38 ha of land in Pulicat Lake Sanctuary of Wildlife Division, Chennai for construction of fish landing centre at Periyamangodu village in Tiruvallur District in favour of Commissioner of Fisheries, Fisheries Department, Teynampet, Chennai 6 - Online Submission of proposal by the User Agency - Regarding.

- Ref: 1. Online application uploaded by the User Agency - The Commissioner of Fisheries, Fisheries Department, DMS Compound, Teynampet, Chennai 6 Proposal No. FP / TN / others / 20328 / 2016, dated 05.07.2016.
2. Principal Chief Conservator of Forests C. No. TS3/21773/2016, dated 20.07.2016
3. Part II of Form A uploaded by the Wildlife Warden, Chennai on 05.08.2016
4. Part III of Form A uploaded by the Additional Principal Chief Conservator of Forests and Director, Arighar Anna Zoological Park, Vandalur on 22.08.2016

* * *

The Commissioner of Fisheries, Fisheries Department, DMS Compound, Teynampet, Chennai has submitted online application under Section 2 of Forest (Conservation) Act, 1980 in the prescribed format of Form A - Part I for the diversion of 0.38 ha of land in Pulicat Lake Sanctuary of Wildlife Division, Chennai for construction of fish landing centre at Periyamangodu village in Tiruvallur District.

2) The User Agency (ie., Commissioner of Fisheries, Fisheries Department, DMS Compound, Teynampet, Chennai-6) has requested diversion of forest area for a period of 10 years.

3) The User Agency has proposed construction of Fish landing centre including Fish Auction Hall, Net mending shed, toilets, deepening of leading and berthing channels at Periyamangodu villages of Ponneri Taluk in Thiruvallur District.

The site is located within the Pulicat Lake Bird Sanctuary on Vacant land. The project involves construction of Fish Auction Hall, Net mending shed, Toilets, Deepening of Leading and Berthing Channels for the fisherman of the surrounding villages. It will directly benefit 2350 fisher folk and indirectly benefit 1400 persons in the surrounding. The land is vacant and barren and there will be no impact on flora and fauna in the area. The project will not have any negative impacts on the Sanctuary. Thus the project is located within the boundaries of Pulicat Lake bird sanctuary.

4) The User Agency has furnished following details / undertakings / certificates / maps along with the proposal.

i) Note containing justification for locating the project in forest area.

ii) Though the User Agency obtained permission in the 32nd meeting of Standing Committee of National Board for Wildlife (NBWL) for diversion of 0.65 ha of forest land from Pulicat Bird Sanctuary for construction of fish landing centre at Periyamangodu village in Thiruvallur District, the User Agency has reported that, as per the directions of Additional Principal Chief Conservator of Forests (Wildlife), a joint inspection of Wildlife Warden, and Fisheries Department officials conducted on 29.04.2015 at Periyamangodu village. The actual area required for fish landing centre has been finalized as 0.38.0 ha.

iii) The User Agency has certified that the land required for construction of high level bridge across Pulicat lake in Pulicat-Pasiyavaram road is in the Pulicat Bird Sanctuary area in Pasiyavaram Village, Ponneri Taluk of Thiruvallur District and stated that no other alternative land other than the proposed land and the land

required for construction of High Level Bridge is very minimum in the Pulicat Bird Sanctuary area.

iv) Location map of the proposed diversion of forest area for construction of high level bridge in kml file of google earth has been up-loaded.

v) Scanned copy of Survey of India topo sheet indicating boundary of forest land proposed to be diverted has been uploaded.

vi) Scanned copy of Geo referenced location map of the proposed diversion of forest area for formation of road has been up-loaded.

vii) The User Agency has stated that the project does not involve displacement of peoples.

viii) The User Agency has stated that this project does not require clearance under the Environment (Protection) Act, 1986.

ix) Wildlife clearance has been obtained from the National Board for Wildlife (file No. 6-209/2014 WL (32nd meeting) dated 25.02.2015). A copy of the NBWL order is enclosed.

After discussions, the Standing Committee of NBWL felt that diversion of the land within the Sanctuary is not likely to cause any destruction of wetland habitat and the sustenance of the livelihood can further strengthen the conservation efforts by working with the communities. After discussion, the Standing Committee decided to recommend the proposal subject to compliance of the conditions stipulated by the Chief Wildlife Warden. And the recommendation(s) are subject to the existing directives of Hon'ble Supreme Court and the provisions of Forest (Conservation) Act, 1980.

The Principal Chief Conservator of Forests and Chief Wildlife Warden in his ref. No. WL5/16719/2012, dated 26.08.2016 has imposed conditions for the work (copy enclosed) for strict compliance.

x) The User Agency has uploaded the certificate issued by the District Collector Tiruvallur in C. No. 23698/2007/B2, dated 30.03.2016 that, there is no suitable and technically approved alternate non forest land available in the village of Periyamangodu village for the construction of fish landing centre at Periyamangodu village.

xi) The User Agency has uploaded the certificate issued by the District Collector, Tiruvallur on completion of Rights under Forest Rights Act, 2006.

xii) Certificate of demand for forest land required for the project is minimum and unavoidable and all other alternative have been examined and found not feasible.

xiii) Certificate on no violation of the provisions of Forest (Conservation) Act, 1980 occurred has been furnished.

xiv) The User Agency has furnished the undertaking to pay the lease rent as fixed by the forest department at the time of sanction along with any escalation for the forest land to be diverted.

xv) The User Agency has furnished the undertaking to pay the amount of Net Present Value which will be fixed by the Forest Department as per the Government Order and rules applicable.

xvi) The User Agency has furnished the undertaking to bear the additional Net Present Value as fixed by the Hon'ble Supreme Court of India and as fixed by the Forest Department as per the Government orders and rules applicable.

xvii) The User Agency has certify that the proposal for construction of Fish landing centre and infrastructure facilities at Periyamangodu village in Tiruvallur District which involve the Reserve Forest land for Survey No. 56/2, 56/5 and 56/6 of Periyamangodu village for construction of fish landing centre and infrastructure facilities at Periyamangodu village and certify that 0.38 ha is the minimum required for the project and that all other alternatives have been examined and found not feasible.

xviii) Certificate to bear the cost of raising and maintenance of Compensatory Afforestation / Penal Compensatory Afforestation as well as protection and regeneration of safety zone etc., as per the Scheme prepared and approved by the Forest Department.

xix) Undertaking to pay the cost along with any escalation for exploitation of trees in forest land to be diverted for the project has been furnished.

xx) Undertaking to bear the cost of felling of trees and transportation cost of the trees to be removed during construction of fish landing centre at

Periyamangodu under the project in the forest area as fixed by the Forest Department has been furnished.

xxi) The User Agency has furnished an undertaking to pay the cost of cutting species in the forest land to be acquired by the Fisheries Department.

xxii) The User Agency has certified that ten times of sapling cost would be bear by Fisheries department towards the number of trees proposed to cut which falls on the forest alignment.

xxiii) The User Agency has certified that the identified non forest compensatory land area of 0.76 ha in Survey No. 20/2A, and 20/2B of Periyepathur village in Tiruvallur District by the Commissioner of Fisheries and the same is being sent to Government and the above land has been transferred to the Forest Department vide District Collector, Tiruvallur Lr. No, 28890/2015/B2, dated 26.10.2015.

5) After getting additional essential details from the User Agency, the proposal was forwarded to the Wildlife Warden, Chennai on 20.07.2016.

6) As per Forest (Conservation) Act, 1980 guidelines, compensatory land may not be insisted for the area diversion of below one hectare. In this case, area diversion proposed is 0.38 ha only and no tree felling involved. Hence the Wildlife Warden, Chennai has not insisted compensatory afforestation work.

7) After field inspection, the Wildlife Warden, Chennai has forwarded the proposal along with her Site Inspection report and recommendation of the proposal to the Additional Principal Chief Conservator of Forests and Director, Arignar Anna Zoological Park, Vandalur on 05.08.2016.

In the Part-II of Form-A, the Wildlife Warden, Chennai has furnished the following particulars.

The Wildlife Warden has reported that, density of the forest area is zero and Eco class is 4.

There is no tree of girth 31cm and above is available in the forest land proposed for diversion.

The land proposed for diversion is not a reserved forest but declared as sanctuary. The area is not vulnerable for erosion.

Details of wildlife present in and around the forest land proposed for diversion are Greater flamingoes, Spot-billed Pelicans, Cormorants, open billed storks, Painted storks, black headed Ibis, Spoon bills, Northern pintails, Shovellers, Whiskered terns, River terns, Gulls, Sand pip etc.,.

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

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

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.

The Wildlife Warden, Chennai has reported that the legal status of the proposed site of diversion of 0.38 ha of Pulicat Lake Sanctuary of Wildlife Division, Chennai for construction of fish landing centre in Periyamangodu village is 'Others' and reported that the land is not a reserved forest but is declared as sanctuary.

In the site inspection report of Wildlife Warden, Chennai, she stated that the site where the construction of fish landing centre is proposed is located within the limits of Pulicat Birds Sanctuary. The Fish Landing centre is proposed to be undertaken under the Tsunami Rehabilitation Project with the view to improve the standard of living of local fisherman and to add hygiene environment. The activities to be undertaken at the proposed fish landing centre include construction of Auction hall, Net Mending Shed, Berthing structure, Security room, Water facilities, approach road and toilet facilities. Several representations have been received from the fishermen for the construction of fish landing Centre at Periyamangodu. The proposed area does not have any vegetation and is located

adjacent to the lake waters. The Project will not have adverse affect on the biodiversity of lake.

In the recommendation report, the Wildlife Warden, Chennai reported that, the project will not cause adverse impact on the biodiversity of the lake provided that, enough precautions are taken to prevent pollution of the lake by oil spills from boats and release of waste water into the lake. Hence "Recommended". The site has been inspected by the Wildlife Warden on 23.07.2016.

8) The Additional Principal Chief Conservator of Forests and Director, Arignar Anna Zoological Park, Vandalur in his site inspection report and recommendation report has stated that the site where the construction of fish landing centre is proposed was inspected on 13.08.2016. The site is located at Periyamangodu which falls within the limits of Pulicat Birds Sanctuary. The work is proposed to be under taken under the Tsunami Rehabilitation Project in order to improve the standard of living of local fishermen and to add hygiene to the environment. The proposed site is devoid of any vegetation and is located on the shores of the lake. The Project will not have adverse affect on the biodiversity of lake and "Recommended"

The Additional Principal Chief Conservator of Forests and Director, Arignar Anna Zoological Park, Vandalur has agreed the recommendation of the Wildlife Warden, Chennai.

9) Hence, the proposal is recommended subject to the following conditions :

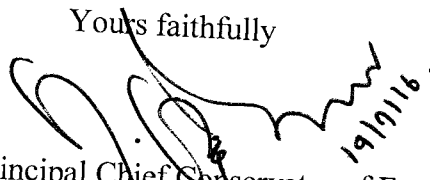
- a) The legal status of the diverted forest land remains unchanged.
- b) The demarcation of the proposed forest land in the field shall be carried out by the User Agency by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters at their cost.
- c) The User Agency has to pay the amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India.

- d) The User Agency has 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.
- e) The User Agency has 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 in future.
- f) Period of lease can be twenty (20) years. The User Agency has to apply renewal proposal before six months of expiry of lease with the State Forest Department.

10) The proposal is sent herewith duly recommended by the Principal Chief Conservator of Forests (FCA) / Nodal Officer, Forest (Conservation) Act. I request that the proposal may be forwarded to the Government of India for diversion of 0.38 ha of forest land in Pulicat Lake Birds Sanctuary of Wildlife Warden, Chennai for construction of fish landing centre with allied activities in favour of the Commissioner of Fisheries, DMS Compound, Teynampet, Chennai-6 for a period of twenty years.

Encl : As stated above.

Yours faithfully


for Principal Chief Conservator of Forests
(Head of Department)

UG


19/9/16

27'

F.No.6-209/2014 WL (32nd Meeting)
Government of India
Ministry of Environment, Forests & Climate Change
Wildlife Division

6th Floor, Vayu Wing
Indira Paryavaran Bhawan
Jor Bag Road, Aliganj
New Delhi-110003
Dated: 25.02.2015.

WL-5

To
The Principal Secretary (Forests)
Department of Forests
Government of Tamil Nadu
798/81, Annasalai
Chennai-600006.

Sub: Minutes of the 32nd Meeting of Standing Committee of NBWL.

Sir,
During the 32nd Meeting of Standing Committee of NBWL held on 21st January 2015 under the Chairmanship of Hon'ble Minister of State (Independent Charge) for Environment, Forests and Climate Change, the following proposals, pertaining to ~~your~~ State were considered. The relevant portion of the decision taken in respect of the proposals is reproduced below:

- "1. Proposal for establishment of 2x500 MW Coal based Thermal Power Plant at Tuticorin, Tamil Nadu by M/s Neyveli Lignite Corporation Limited (NLC) along with Tamil Nadu Power limited, Tuticorin (PMG Case).

The Member Secretary informed the Committee that the proposal was considered by the Standing Committee of NBWL in its 31st meeting held on 12th -13th August 2014, wherein, it was decided to defer the matter and in the meantime, a copy of the Environment Impact Assessment Report for the proposal be circulated amongst the members of the Standing Committee for taking a view in the next meeting. The ELA Report was circulated to the Members.

Dr. Sukumar mentioned that the ELA report did not deal with the monitoring of biological parameters, especially with respect to the impact on corals. He suggested that there should be a mechanism for independent monitoring and this should be put as one of the conditions. Dr. H.S. Singh desired to know if any mechanism was available for reducing the temperature of water being released in to the sea. Chief Wildlife Warden, Tamil Nadu informed that the project proponents had assured that a cooling system has been installed in the power plant and the water released into the sea would be maintained at 30 degrees Celsius.

After discussion, the Standing Committee decided to recommend the proposal in view of the distance of more than 6 km the project from Gulf of Mannar National Park, national need of power production and environmental mitigation measures provided in Environmental clearance. The Committee also agreed that a strict monitoring regime should be put in place by the forest department for the parameters related to impact on corals and marine ecosystem. Cost for this will be borne by M/s Neyveli Lignite Corporation Limited (NLC). An amount of Rs 1 cr will be placed with Chief Wildlife Warden for this purpose by the project proponent. The monitoring set up must be in place within one year from the date of remittance. The measures suggested by Forest Department for addressing the issues identified as impact on biodiversity as a result of the monitoring, shall be adopted by the project scrupulously.

Contd...2

2. Diversion of 1.11 ha of forest land from Pulicat Bird Sanctuary for construction of high level bridge at Km 0/4, Chennai Pulicat Road to Pasiyavaram Road, Tamil Nadu.

The Member Secretary informed the committee that this proposal was considered during the 31st meeting held on 12-13 August 2014 and was deferred as the recommendation of the State Board for Wildlife was awaited. He added that the requisite statutory consultations with State Board for Wildlife have been completed and State Government had conveyed the recommendation of the State Board for Wildlife.

The Chief Wildlife Warden, Tamil Nadu mentioned that a Writ petition was also filed before the Hon'ble High Court of Madras on this matter, seeking early decision for construction of the bridge.

After discussions, the Standing Committee of NBWL considered the need of the bridge for the local population residing within the area, which is primarily wetland, and hence decided to recommend the proposal subject to compliance of the conditions stipulated by the Chief Wildlife Warden.

3. Diversion of 0.65 ha of forest land from Pulicat Bird Sanctuary for construction of fish landing centre at Periyamangagodu in Thiruvallur district, Tamil Nadu.

The Member Secretary informed the committee that this proposal was considered during the 31st meeting held on 12-13 August 2014 and was deferred as the recommendation of the State Board for Wildlife was awaited. He added that the requisite statutory consultations with State Board for Wildlife have been completed and State Government had conveyed the recommendation of the State Board for Wildlife.

The Chief Wildlife Warden mentioned that this proposal was related to subsistence fishing based livelihood enhancement of the local communities.

The Committee felt that diversion of the land within the Sanctuary is not likely to cause any destruction of wetland habitat and the sustenance of the livelihood can further strengthen the conservation efforts by working with the communities. After discussions, the Standing Committee decided to recommend the proposal subject to compliance of such conditions stipulated by the Chief Wildlife Warden."

The above recommendation(s) are subject to the existing directives of Hon'ble Supreme Court and provisions of Forests (Conservation) Act, 1980.

Yours faithfully
R. Rajasekhar

(Rajasekhar Ratti)
Scientist 'C'/Deputy Director (WL)

Copy to:

1. The Chief Wildlife Warden, Government of Tamil Nadu, Chennai.
2. The Addl.Pr. Chief Conservator of Forests, Ministry of Environment & Forests, Regional Office (SZ), Kendriya Sadan, 4th Floor E&F Wings, 17 Main Road, I Block, Koramangala, Bangalore-560034.
3. The General Manager, M/s Neyveli Lignite Corporation Limited (NLC), Registered Office No.135, Periyar E.V.R. High Road, Kilpauk, Chennai-600 010. Tamil Nadu,
4. The Joint Secretary, I.A. Division, MoEF & CC.
5. The Inspector General of Forests, FC Division, MoEF & CC.

R. Rajasekhar
(Rajasekhar Ratti)

Scientist 'C'/Deputy Director (WL)

Sub: Forests Diversion of 0.65 Ha of forest land from Pulicate Birds Sanctuary for construction of fish landing centre at Periyamangodu village in Tiruvallur District -IA No., 3889-3890 of 2015 in Hon'ble Supreme Court of India - Regarding.

Ref: 1) Orders issued by Hon'ble Supreme Court of India in IA No. 3912-3913/2015 and 3914-3915/2015 dated 05-10-2015.


2) Minutes of the 32nd meeting of Standing Committee of National Board for Wildlife Ref. No. 6-209.2014 WL-I (32nd meeting) dated 20-02-2015 (agenda No. 3).

* * * *

It is informed that the orders issued by the Hon'ble Supreme Court of India on 05-10-2015 in connection with the IA petition filed as above, and second reference cited (Minutes of the 32nd meeting of Standing Committee of National Board for Wildlife) the Additional Principal Chief Conservator of Forests and Director, Arignar Anna Zoological Park, Vandalur, Chennai is requested to permit Fisheries Department to carry out the construction of Fish landing centre at Peiryamangodu village in of 0.65 ha. of forest land falling within Pulicat Bird Sanctuary, Ponneri Taluk, Thiruvallur District, Tamil Nadu, subject to the condition that work shall commence after getting clearance from Forest Conservation Act, 1980 and other mandatory clearances as may be required.

Terms and conditions:-

- The *status quo* of the area proposed for construction of fish landing centre in Pulicat Lake Birds sanctuary.
- No tree felling should be allowed.
- No damages should be caused to Flora and Fauna.
- During construction works, the underlying principle should be that work must be carried on in a speedy manner, with minimal disturbance to wildlife and with adherence to all rules and regulations that govern wildlife and PAs.
- No material like sand, gravel etc. should be taken from the PA. All materials for construction, road maintenance etc. should be brought from outside.

- 
- The Fisheries Department should not claim the right over the land proposed for construction of fish landing centre in future.
 - The detailed project report should be got approved by the Additional Principal Chief Conservator of Forests and Director, Arignar Anna Zoological Park, Vandalur, Chennai.
 - Any other site specific conditions may also be included in the interest of wildlife conservation and protection.

Sd/- V.K. Melkani
Principal Chief Conservator of Forests
and Chief Wildlife Warden

To

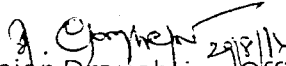
The Additional Principal Chief Conservator of Forests and Director,
Arignar Anna Zoological Park, Vandalur,
Chennai - 48.

Copy to the Wildlife Warden, Chennai for information and necessary action.

Copy to the Commissioner of Fisheries, Tsunami Project Implementation Unit,
Nandanam, Chennai - 600 035.

✓ Copy with compliments to Principal Chief Conservator of Forests (FCA) for
information and needful actions.

/True Copy / by Order/


for Senior Draughting Officer

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 0.38 ha of land in Pulicat Lake Sanctuary of Wildlife Division, Chennai for construction of fish landing centre at Periyamangodu village in Tiruvallur District in favour of Commissioner of Fisheries, Fisheries Department, Teynampet, Chennai 6

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

4/4
Signature: 

Name Designation : **M. GOVINDA RAO**
Principal Chief Conservation of Forests
(Forest Conservation Act)
Chennai - 600 015.

Date : 19-9-2016

Place: Chennai-15.

