

TAMILNADU FOREST DEPARTMENT

From

✓ To

Dr. V.K. Melkani IFS
Principal Chief Conservator of Forests
(Head of Department) (FAC),
Panagal Maaligai, Saidapet,
Chennai - 600 015.

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

C.No. TS3/15481/2015 Dated: 19.09.2015.

Sir,

Sub: Forest (Conservation) Act, 1980 - Villupuram Forest Circle / Villupuram Forest Division - Proposal for diversion of 0.176 ha of forest land in Pakkamalai Reserved Forests of Villupuram Forest Division for Nandhan Channel rehabilitation work in Villupuram District in favour of Assistant Executive Engineer, PWD, WRO, Lower Pennaiyar Basin Sub Division, Tindivanam, Villupuram District - Online Submission of proposal by the User Agency - Proposal submission - regarding.

Ref: 1. Online application and additional details uploaded by the User Agency - The Assistant Executive Engineer, Public Works Department, Water Resources Organisation, Lower Pennaiyar Basin Sub Division, Tindivanam, Villupuram District Pin code 605 602, dated 01.06.2015 and 18.06.2015

2. Part II of Form A uploaded by the District Forest Officer, Villupuram Division on 01.09.2015 & C.No. 2247/2015/D, dated 01.09.2015

3. Part III of Form A uploaded by the Conservator of Forests, Coimbatore Circle on 07.09.2015 & C. No. D/2058/2015, dated 07.09.2015 and Reply on EDS details furnished on 14.09.2015

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The Assistant Executive Engineer, Public Works Department, Water Resources Organisation, Lower Pennaiyar Basin Sub Division, Tindivanam, Villupuram District (User Agency) has submitted online application under Section 2 of Forest (Conservation) Act, 1980 in the prescribed format of Form A - Part I for diversion of forest area 0.176 ha of forest land in Pakkamalai Reserved Forests of Villupuram Forest Division for Nandhan Channel rehabilitation work in Villupuram District.

2) The User Agency has requested diversion of forest area for a period of 50 years.

3) The User Agency has stated that the Nandhan Channel Project was proposed to divert the surplus water from Thuringar River through the Kiranur Anaicut in Samanthakuppam village of Thiruvannamalai District to feed an extent of 6654.38 Acres through 36 tanks in Thiruvannamalai and Villupuram Districts.

4) In the report of justification for locating the project in forest land, the Executive Engineer, PWD, WRO, Lower Pennaiyar Basin Division, Villupuram has stated that the Government of Tamil Nadu has accorded administrative sanction for taken up Rehabilitation and Modernisation of Nanthan Channel from LS 12.400 km to 37.880 km in Gingee and Villupuram Taluks of Villupuram District under the financial aid of World Bank. The Nanthan Channel originates from Keeranur Anaicut near Samanthakuppam village in Thiruvannamalai Taluk & District and it runs up to 12.400 km in Thiruvannamalai District and enter in to Panamalaipettai Hissa tank in Villupuram Taluk and District and runs to a length of 25.480 km in Villupuram District.

The Channel has been formed in the year 1976 and connected with the Old Nandhan Channel at LS 30.500km. From LS 24.665 to 26.065 km, a reach of 1.40km of Nandhan Channel runs through the Pakkam RF between the villages So. Kuppam and Devathanampettai in Gingee taluk. Since the length of 1.40 km Nandhan Channel runs in the RF area, permission for enter upon the RF area and to carry out the Rehabilitation work (24.665 to 25.335km) ie., 670m is required. Out of the length of 670m channel, channel to a length of 318 runs in Survey No. 259, 260 and 261 of So. Kuppam village PWD Patta land. The Balance length of the channel is in RF area in two reaches of 158m and 194m.

Hence, the User Agency has requested necessary permission for enter upon in the forest area from 25.355m to 26.065m for 730m length for

machineries movement during execution and for doing work in 1st reach of 158m and 3rd reach of 194m in the existing right of way of Pakkamalai RF (Reach No. 2 is PWD Patta lands). He assured that during execution the RF components will not be disturbed.

With out completing the work in Forest area, scope of project will not ensure the assured supply of water to the irrigation of ayacut area 6654.38 Acres.

5) The User Agency (ie., The Assistant Executive Engineer, PWD, WRO, Lower Pennaiyar Basin Sub Division, Tindivanam, Villupuram District) has submitted the following details / undertakings along with the proposal.

a) Authorization letter of Executive Engineer, PWD, WRO, Lower Pennaiyar Basin Division, Villupuram for making on line proposal for forest clearance.

b) Certificate from the project authority that, no suitable and technically approved alternative non forest land is available for the project.

c) Undertaking to pay the cost of cutting species in the forest land to be acquired.

d) Undertaking for ten times of seedlings cost would be beared towards the number of trees proposed to cut, which falls on the forest alignment.

e) Certificate from the project authority that, the forest land required for the project is the minimum required and all other alternative have been examined and found not suitable.

f) Undertaking to deposit the cost of compensatory plantation / maintenance of plantation / penal compensatory 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.

g) Undertaking to pay the amount of Net Present Value which will be fixed by the guidelines of Supreme Court of India.

h) Undertaking to bear the additional Net Present Value which will be fixed by the guidelines of Supreme Court of India as fixed by Forest Department in future.

i) Undertaking 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.

j) Certificate to effect that no violation of the provision of Forest (Conservation) Act, 1980 occurred.

k) Undertaking to bear the cost along with any escalation for exploitation of trees in the forest land to be diverted to the project.

l) Certificate from the Project authority (User Agency) that demands for forest land for the project is minimum.

m) Location map of the proposed diversion of forest area marked in the Survey of India Topo sheet.

n) Kml file of google earth map indicating the proposed forest diversion area

o) Scanned copy of the Geo-referenced map of the forest land proposed to be diverted prepared by using GPS / Total Station

p) Component wise break up of forest area required (0.176 Ha) for the project has been furnished as follows.

Reach No. 1 -- 158m length, 5m breadth -- 0.079 ha

Reach No. 3 -- 194m length, 5m breadth -- 0.097 ha total 0.176 ha.

6) After getting additional essential details from the User Agency, the proposal was forwarded to the District Forest Officer, Villupuram Division.

7) After field inspection, the District Forest Officer, Villupuram Division and Conservator of Forests, Villupuram Circle have forwarded the proposal.

8) The District Forest Officer has reported that the proposed site (Pakkamalai RF) has been inspected on 01.04.2015.

In the site inspection report, the District Forest Officer has narrated the project as detailed below.

Background note on the proposal.

The Nandan Channel project commenced in the year 1970 as per the G.O. Ms. No. 1947, PWD, dated 26.09.1970 and was completed in the year 1976. ie., prior to 1980. The present project proposal submitted by the Executive Engineer, Lower Ponnaiyar Basin Division, PWD aims at laying concrete pipes to the existing canal to avoid frequent siltation by flowing water which demand maintenance. Since the project is carried out in the existing canal route, alternate alignment does not arise. The project shall ensure drinking water supply to the public, it is informed by the project authorities that the pipelines will be laid using possible crane without damaging any vegetation or excavation of earth inside the Reserved Forests.

Legal status and area details

The Nandan Channel is a minor irrigation earthen canal passing through the Pakkamalai RF of Gingee Range in Villupuram Division. The canal passes through the RF and then through a stretch of patta lands within the RF and then again through the RF. Hence, there are two patches of RF involved in the proposed project. The first batch of channel passes to a distance of 158m and a width of 5m thus amounting to 0.079 ha and the second patch of channel to a distance of 318 m and a width of 5m, thus amounting to 0.097ha. In total, an area of 0.176 ha of RF is proposed for diversion against the upgradation of the exiting canal.

Wildlife and Vegetation

The RF area is a Southern tropical dry deciduous forest, 5AC3 and is habitat for wild animals including spotted deer, wild boar, mongoose, bonnet macaque, python, rat snake and cobra.

9) Though the District Forest Officer initially reported that, total number of trees subjected for felling is 110 trees belonging to *Ficus racemosa* and *Syzygium cumini* and some miscellaneous species, he has subsequently certified that, there is spontaneous tree growth (natural grown trees) only on

bund area and outer edge of the channel and these trees will not be felled as per the undertaking given by the User Agency during execution of work.

The User Agency has also certified that no felling of trees (Natural or Planted trees) will be carried out during the execution of work.

The User Agency has not yet started the work in the RF area, hence, there is no violation of Forest (Conservation) Act 1980.

In the Part II of Form A, the District Forest Officer has reported that, density of the forest area is 0.6 and Eco class is 3.

The Pakkamalai RF is placed under Biodiversity Conservation working circle, Wildlife management working circle and Protection overlapping working circle.

The forest area proposed for diversion not forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor, Wildlife migration corridor etc., and not located within 1 km from boundary of the above.

There is any rare / endangered / unique species of flora and fauna found in the area.

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.

10) The District Forest Officer has uploaded the following certificates obtained from the User Agency.

i) Certificate issued by the District Collector, Villupuram, that there is no suitable and technically approved alternate non forest land available for the project.

ii) Certificate issued by the District Collector about completion of process of Forest Rights under the Scheduled Tribes and Other Traditional Forest Dwellers (recognition of Forest Rights) Act, 2006.

iii) Certificate from the Executive Engineer, PWD, WRO, Lower Pennaiyar Basin Division, Villupuram that, if any tree felling is involved, the User Agency will pay the amount equivalent to the cost of raising and maintaining 10 times the number of seedlings proposed to be felled.

11) The District Forest Officer has reported that, the minor irrigation project is highly essential to supply drinking water to public and is purely public oriented, hence he recommend the proposal in the Part II of Form-A format proposal. The District Forest Officer has recommended for period of diversion of forest area as 30 years.

12) The Conservator of Forests has also stated that, this is a minor irrigation project and it is very essential for the welfare of local people for their drinking water as well as irrigation water needs, hence the proposal is recommended for acceptance in the Part III of Form-A format proposal. The Conservator of Forests has recommended for period of diversion of forest area as 20 years.

13) The spontaneous tree growth (natural grown trees) of 110 trees available in the project area are found on bund area and outer edge of the channel and these trees will not be felled as per the undertaking given by the User Agency during execution of work.

As per Forest (Conservation) Act, 1980 guidelines under Compensatory Afforestation, no compensatory afforestation shall be insisted for proposals involving diversion of forest land up to one hectare. However, in such cases, plantation of ten times of trees likely to be felled will have to be carried out by way of compensatory afforestation or any number of trees specified in the order.

Hence Compensatory Afforestation has not been insisted, since the area proposed for diversion is less than one hectares and no felling of trees proposed.

14) State Government may accord diversion of forest land for non forestry purposes under the Forest (Conservation) Act, 1980, for creation of critical development and security related infrastructure of Government Departments under the general approval of Section 2 of Forest (Conservation) Act, 1980 guidelines issued in F. No. 11-9/98-FC dated 03.01.2005 and period extended till 2018 in letter dated 13.02.2014. The Nandhan Channel is a Minor irrigation canal and rehabilitation and modernization of Channel has been proposed in the forest area for 0.176 ha (352 metres length in two stretches of 5 meter breadth). Diversion of forest land is proposed within one hectares and no felling of trees is involved for execution of the project.

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

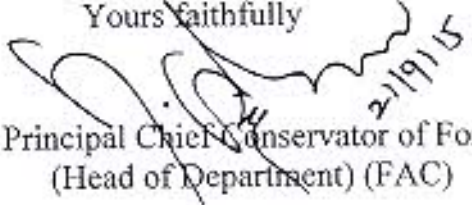
- a) The legal status of the diverted forest land remains unchanged.
- b) The demarcation of the proposed forest land shall be carried out by the User Agency by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters at their cost.
- c) The User Agency has to pay the amount 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.


16) The proposal is sent herewith duly recommended by the Additional Principal Chief Conservator of Forests (FCA) / Nodal Officer, Forest (Conservation) Act, 1980. I request that the proposal may kindly be approved

and Government orders may be issued for diversion of 0.176 ha of forest land in Pakkamalai Reserved Forests of Villupuram Forest Division for Nandhan Channel Rehabilitation and Modernisation work in Villupuram District in favour of Assistant Executive Engineer, PWD, WRO, Lower Pennaiyar Basin Sub Division, Tindivanam, Villupuram District for a period of twenty years.

Encl : As stated above.

Yours faithfully


for Principal Chief Conservator of Forests
(Head of Department) (FAC)

21/9/15 
21/9/15

PART - IV

(To be filled 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

(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)

The proposed activity is to be carried out in an existing canal for irrigation and drinking water. There is no tree felling or clearing of natural vegetation is required nor also there will be any change to the landscape and alignment. Hence, it is recommended.

Signature :

Name Designation :

Nodal Principal Chief Conservator of Forests
(Forest Conservation Act)
Chennai-600015

Date : 19.9.15

Place: Chennai.