

Letter No.6118/FR.10/2023-3, dated:13.02.2024

From
Tmt.Supriya Sahu, IAS.,
Additional Chief Secretary to Government.

To
The Assistant Inspector General of Forests (Central),
Government of India,
Ministry of Environment, Forests and Climate Change,
Regional Office,
Additional Office Block for GPOA, 1st Floor,
Shastri Bhawan, Haddows Road,
Nungambakkam, Chennai-600 006. (w.e).

Sir,

Sub: Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980–
Proposal (FP/TN/IRRIG/51078/2020) for diversion of
0.186 ha of forest land in Villupuram Forest Division
comprising T.Edaiyar Reserved Forest (0.049 ha),
Thiruvannainallur Reserved Forest (0.034 ha),
Iruvelpattu Reserved Forest (0.103 ha) of Ulundurpet
Range at 12 locations for Construction and
reconstruction of dilapidated head sluice, bed dam,
retaining wall and culvert in Malattar Channel across
Malattar River bed forest area for supplying water to
Tirukoilur and Ulundurpet Taluk tanks in Villupuram
District in favour of the Executive Engineer, WRD, Lower
Pennaiyar Basin Division, Villupuram District – Proposal
forwarding off - Regarding.

Ref: 1. From the Principal Chief Conservator of Forests
(HoFF) Letter No.TS3/22890/2022, dated 28.07.2023.
2. Government letter No.6118/FR.10/2023-1, dated
06.11.2023.
3. From the Principal Chief Conservator of Forests
(HoFF) Letter No.TS3/22890/2022, dated 23.11.2023.
4. Government letter No.6118/FR.10/2023-2, dated
03.01.2024.
5. From the Principal Chief Conservator of Forests
(HoFF) Letter No.TS3/22890/2022, dated 09.01.2024.

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I am directed to enclose a copy of the references 1st, 3rd and 5th cited and to state that, the Principal Chief Conservator of Forests (Head of Forest Force) in his letter first cited has stated that, the Executive Engineer, WRD, Lower Pennaiyar Basin Division, Villupuram has uploaded online forest area diversion proposal for

diversion of 0.186 ha of forest land in Villupuram Forest Division comprising T.Edaiyar Reserved Forest (0.049 ha), Thiruvannainallur Reserved Forest (0.034 ha), Iruvelpattu Reserved Forest (0.103 ha) of Ulundurpet Range at 12 locations for Construction and reconstruction of dilapidated head sluice, bed dam, retaining wall and culvert in Malattar Channel across Malattar River bed forest area for carrying water to Tirukoilur and Ulundurpet Taluk tanks for irrigation in Villupuram District under the proposal No. FP/TN/IRRIG/51078/2020.

2. In the Part-II of Form-A, the District Forest Officer, Villupuram Division has furnished the following particulars :-

- i). The legal status of the proposed site of diversion of 0.186 ha of forest land requested for the project is Reserved Forest.
As per the site inspection report and recommendation of the project uploaded by the District Forest Officer, Villupuram Division, 0.049 ha lies in T.Edaiyar Reserved Forest, 0.034 ha lies in Thiruvannainallur Reserved Forest, 0.103 ha lies in Iruvelpattu Reserved Forest of Ulundurpet range in Villupuram Forest Division.
- ii). Density of the forest area is 2 and Eco class of forest area is two.
- iii). Species wise and girth class wise enumeration of trees in the area is Zero.
- iv). Vulnerability of the forest area to erosion reported as there is no vulnerability of forest soil erosion.
- v). Spotted deer, Monkey, Wild boar, Peacock etc., are present in and around the forest land proposed for diversion.
The forest area proposed for diversion is not part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor, Wildlife migration corridor etc., and not located within the eco-sensitive zone of the protected area notified under Wildlife (Protection) Act, 1972 and not located within 1 km boundary of NP/WLS etc., for the forest land proposed for diversion. There is no rare / endangered / unique species of flora and fauna found in the area.
- vi). There is no protected archaeological/ heritage site/ defense establishment or any other important monument is located in the area.
- vii). Requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project.
- viii). The District Forest Officer has reported that no work in violation of the Act or guidelines issued under the Act has been carried out by the user agency.
- ix). For the proposed diversion of 0.186 ha of forest land for the project, the District Forest Officer has not proposed any compensatory afforestation scheme and reported that, as per the guidelines issued in Government of India, Ministry of Environment, Forests and Climate Change letter No. FC0-11/118/2021-FC, dated 13.06.2023, the compensatory afforestation proposed is withdrawn. On further clarification, the Principal Chief Conservator of Forests (HoFF) has stated that, the District Forest Officer, Villupuram has proposed compensatory afforestation of planting of 100 No. of seedlings in 0.20 ha area in Adukkam Reserved Forest at a project cost of Rs.1,75,231/- including ten year maintenance of plantation.
- x). In the site inspection report and recommendation of the proposal, the District Forest Officer has stated the following:-
 - a) This proposal is for diversion of 0.186 ha of forest land in T.Edaiyar Reserved Forest (0.049 ha), Thiruvannainallur Reserved

Forest (0.034 ha), Iruvelpattu Reserved Forest (0.103 ha) of Ulundurpet Range at 12 locations inspected on 01.03.2023 and 17.05.2023. The proposal for diversion of 0.186 ha of forest land located are series of structures falling in the river course and same is an irrigation project involving construction and reconstruction of structures and total area for which diversion is sought for 0.186 ha only.

- b) It is a Government Project and construction and reconstruction works of dilapidated Head Sluice, Bed Dam, Retaining wall and Culvert in Malattar Channel across Malattar River bed forest area will fulfill the water supply to tanks in Tirukoilur and Villupuram taluks of Villupuram Districts. Since water supply is basic need to the public, this project is considered essential. There is no tree felling in the alignment. It does not fall in the Elephant corridor.

3. Further, the Principal Chief Conservator of Forests (HoFF) has stated that the Conservator of Forests, Villupuram Circle inspected the area on 22.06.2023 and remarked that the proposal is useful to the local farmers, hence it is recommended.

4. Further, the Principal Chief Conservator of Forests (HoFF) has stated that the User Agency has requested forest area diversion for a period of 50 years. The District Forest Officer, Villupuram Division and Conservator of Forests, Villupuram Circle have recommended the project for 25 years period. Proposed forest area diversion is for water supply to the tanks in the area, hence the proposal is recommended for a period of 50 years.

5. Further, the Principal Chief Conservator of Forests (HoFF) has stated that, State Government may accord diversion of forest land of less than one hectare in each case 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 Forest (Conservation) Act, 1980 guidelines. Minor irrigation canal allowed under general approval list. The user agency has submitted forest clearance proposal under the category of irrigation.

6. The Principal Chief Conservator of Forests (HoFF) has also stated that, the proposal is sent through parivesh portal duly recommended by the Additional Principal Chief Conservator of Forests (Forest Conservation Act) / Nodal Officer of Forest (Conservation) Act of the State of Tamil Nadu in Part-IV of Form-A.

7. Based on the recommendations of the District Forest Officer, Villupuram Division and Conservator of Forests, Villupuram Circle and Additional Principal Chief Conservator of Forests (FCA), the Principal Chief Conservator of Forests (HoFF) has sent the proposal for diversion of 0.186 ha of forest land in Villupuram Forest Division comprising T.Edaiyar Reserved Forest (0.049 ha), Thiruvennainallur Reserved Forest (0.034 ha), Iruvelpattu Reserved Forest (0.0103 ha) of Ulundurpet Range at 12 locations for Construction and reconstruction of dilapidated head sluice, bed dam, retaining wall and culvert in Malattar Channel across Malattar River bed forest area for supplying water to Tirukoilur and Ulundurpet Taluk tanks in Villupuram District in favour of the Executive Engineer, WRD, Lower Pennaiyar Basin Division, Villupuram for a period of 50 years, and requested to issue in-principle approval under general approval category as per the provision of guidelines under Forest (Conservation) Act 1980, subject to the following conditions:-

- i). The legal status of the diverted forest land shall remain unchanged.
- ii). 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 the project sites at their cost.

- iii). The User Agency has to pay the Net Present Value of proposed forests diversion area which will be fixed as per the guidelines of Hon'ble Supreme Court of India / Government of India.
- iv). The User Agency has to bear the additional amount of 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.
- v). Amount of Net Present Value of diverted forest area under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>)
- vi). The User Agency has to pay the cost towards annual lease rent for the forest area diversion period 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 for the entire project period.
- vii). The total forest area utilized for the project shall not exceed 0.186 ha of forest land in Villupuram Forest Division comprising T.Edaiyar Reserved Forest (0.049 ha), Thiruvannainallur Reserved Forest (0.034 ha), Iruvelpattu Reserved Forest (0.103 ha).
- viii). The forest land proposed to be diverted under no circumstances be transferred to any other agencies / department or person without prior approval.
- ix). Period of lease can be fifty (50) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

8. As per of section 2(1) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and as per rule 9 of Van (Sanrakshan Evam Samvardhan) Rules 2023, approval of Government of India, Regional Office, Ministry of Environment Forests and Climate Change is required for diversion of forest land on lease.

9. On further clarification, the Principal Chief Conservator of Forests (HoFF) has stated that the above proposal has been submitted and processed in parivesh 1.00 module and in this module, there is no provision made in the web portal about prescribing scenario of proposal. However, as per the Van (Sanrakshan Evam Samvardhan) Rules, 2023, the approval for the proposal is to be issued by the Government of India. Hence he has requested that the proposal may be forwarded to the Government of India for issue of Stage-I approval for the project. Accordingly, the proposal is re-submitted by the Nodal Officer (FCA) through parivesh portal for obtaining approval of Government of India.

10. The Government have examined and accept the proposal (FP/TN/IRRIG/51078/2020) of the Principal Chief Conservator of Forests (Head of Forest Force) for diversion of 0.186 ha of forest land in Villupuram Forest Division comprising T.Edaiyar Reserved Forest (0.049 ha), Thiruvannainallur Reserved Forest (0.034 ha), Iruvelpattu Reserved Forest (0.103 ha) of Ulundurpet Range at 12 locations for Construction and reconstruction of dilapidated head sluice, bed dam, retaining wall and culvert in Malattar Channel across Malattar River bed forest area for carrying water to Tirukoilur and Ulundurpet Taluk tanks for irrigation in Villupuram District in favour of the Executive Engineer, Water Resources Department, Lower Pennaiyar Basin Division, Villupuram for a period of 20 years, under section 2 (1) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, subject to the following conditions and decided to forward the same to the Government of India, Ministry of Environment, Forests and Climate Change, Chennai for obtaining their concurrence:-

- i). The legal status of the diverted forest land shall remain unchanged.

- ii). 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 the project sites at their cost.
- iii). The user agency has to pay the cost towards compensatory afforestation scheme in the selected degraded forest area as per the Compensatory afforestation scheme including maintenance for a period of 10 years.
- iv). The User Agency has to pay the Net Present Value of proposed forests diversion area which will be fixed as per the guidelines of Hon'ble Supreme Court of India / Government of India.
- v). The User Agency has to bear the additional amount of 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.
- vi). Amount of Compensatory Afforestation, Net Present Value of diverted forest area under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>)
- vii). The User Agency has to pay the cost towards annual lease rent for the forest area diversion period 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 for the entire project period.
- viii). The total forest area utilized for the project shall not exceed 0.186 ha of forest land in Villupuram Forest Division comprising T.Edaiyar Reserved Forest (0.049 ha), Thiruvennainallur Reserved Forest (0.034 ha), Iruvelpattu Reserved Forest (0.103 ha).
- ix). The forest land proposed to be diverted under no circumstances be transferred to any other agencies / department or person without prior approval.
- x). Period of lease is twenty (20) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

11. I am, therefore, directed to request you to kindly obtain the concurrence of the Competent Authority and communicate the same to this Government, early.

Yours faithfully,

M. Megala
13/2/2024

for Additional Chief Secretary to Government.

Copy to:-

The Principal Chief Conservator of Forest (HoFF),
Chennai-32.

The Executive Engineer,
WRD, Lower Pennaiyar Basin Division,
PWD Compound, PJN Road,
Villupuram - 605 602.

PART – V

(To be filled in by the Secretary in charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

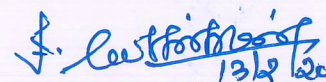
Proposal (FP/TN/IRRIG/51078/2020) for diversion of 0.186 ha of forest land in Villupuram Forest Division comprising T.Edaiyar Reserved Forest (0.049 ha), Thiruvannainallur Reserved Forest (0.034 ha), Iruvelpattu Reserved Forest (0.103 ha) of Ulundurpet Range at 12 locations for Construction and reconstruction of dilapidated head sluice, bed dam, retaining wall and culvert in Malattar Channel across Malattar River bed forest area for supplying water to Tirukoilur and Ulundurpet Taluk tanks in Villupuram District in favour of the Executive Engineer, Water Resources Department, Lower Pennaiyar Basin Division, Villupuram, for a period of 20 years under section 2(1) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

18. Recommendation of the State Government : Recommended.

(Adverse comments made by any officer or authority in Part-B or Part – C or Part – D above should be specifically commented upon)

Date : 13.02.2024

Place : Chennai-9.


13/2/2024
L.J. MONAN RAMAN

Signature

Name & Designation
(Official Seal)

Deputy Secretary to Government
Environment, Climate Change and Forest Department
Secretariat, Chennai-09

