

By e-mail



ENVIRONMENT, CLIMATE CHANGE
& FOREST(FR.10) DEPARTMENT,
SECRETARIAT, CHENNAI 9.

Letter No:3720988/FR.10/2022-2, dated 25.04.2023

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,
Integrated Regional Office,
1st Floor, Additional Office Block for GPOA,
Shastri Bhawan, Haddows Road,
Nungambakkam, Chennai-600 006.(w.e)

Sir,

Sub: Forest (Conservation) Act, 1980 – Proposal
(FP/TN/Trans/155570/2022) for diversion of 0.9856 ha of forest
land recorded in Revenue records as un-assessed waste-Forest
Range land which defined as Forests in Ayaranapalli village,
Soolagiri Taluk of Krishnagiri District for erection of 110KV
transmission line from Rayakottai-Kelamangalam road to TATA
Electronics Company passing through forest area to an extent
of 0.9856 ha of Ayaranapalli village, Soolagiri Taluk, Krishnagiri
District in favour of the Executive Engineer, TLC/ Tamil Nadu
Transmission Corporation Limited, Dharmapuri, Dharmapuri
District - Requested – Regarding.

- Ref: 1. From the Principal Chief Conservator of Forests, letter
No.TS3/15954/2022, dated 12.12.2022.
2. Government letter No.3720988/FR.10/ 2022-1, dated
30.12.2022.
3. From the Principal Chief Conservator of Forests, letter
No.TS3/15954/2022, dated 13.02.2023.

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I am directed to enclose a copy of the references first and third 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, TLC/ Tamil Nadu Transmission Corporation Limited, Dharmapuri, Dharmapuri District has uploaded online forest area diversion proposal under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.9856 ha of forest land recorded in Revenue records as un-assessed waste-Forest Range land which defined as Forests in Ayaranapalli village, Soolagiri Taluk of Krishnagiri District for erection of 110KV transmission line from Rayakottai-Kelamangalam road to TATA Electronics Company passing through

forest area in favour of the Executive Engineer, TLC/ Tamil Nadu Transmission Corporation Limited, Dharmapuri, Dharmapuri District.

2. In the Part-II of Form A, the Wildlife Warden, Hosur Division has furnished following details:-

- i) The legal status of the proposed site of diversion of 0.9856 ha of forest land requested for the project is Forest by dictionary meaning. In the site inspection report, name of the forest land reported is, as per Revenue Records, the proposed site is classified as 'Un-assessed waste-Vanasaragam' land which defined as Forest and area proposed for diversion is 0.9856 ha.
- ii) Density of the forest area is 0.25 and Eco class of forest area is three.
- iii) There is no tree enumerated in the proposed forest diversion area. (No spontaneous or planted trees).
- iv) On the Brief note on vulnerability of the forest area to erosion, it is a linear project and there will not be possibilities of soil erosion.
- v) On the presence of wildlife in and around the forest land proposed for diversion, the Wildlife Warden reported that occasional/seasonal movement of Elephant found.
 - a) The forest area proposed for diversion is not forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor, Wildlife migration corridor etc., for the forest land proposed for diversion. The Wildlife Warden has reported that the proposed area is not part of any notified Wildlife Corridor. But, the proposed diversion area is seasonally and occasionally used by the Elephants. The distance from the nearest boundary of the sanctuary (Cauvery North Wildlife Sanctuary) to this proposed area is at about 2.10 km, and there is seasonal and occasional movement of elephants noticed from the sanctuary area to the proposed area and around for crop raid. There is also a railway line passing close to the proposed diversion area at a distance of nearly 2.00 km for a length of nearly 10km. The railway line is located between Cauvery North Wildlife Sanctuary and proposed area. In the year 2003 and 2013, totally 7 number of elephants died due to train hit in this railway stretch.
 - b) Forest land proposed for diversion is 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., In 1.00 km radius of proposed diversion area, there is no any notified Wildlife Corridor. But, the proposed diversion area is seasonally and occasionally used by the Elephants to a radius of more than 5.00 km from the proposed diversion area for seasonal crop raid. The brief details of elephant movement and Human–Elephant negative interaction is mentioned in the Wildlife Mitigation plan along with maps.

- c) Rare/ endangered / unique species of flora and fauna found in the area and reported that, Occasional / Seasonal movement of Elephant is found in the proposed 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 and no work in violation of the Act or guidelines has been carried out.
- viii) For the diversion of 0.9856 ha of forest land, the Wildlife Warden has proposed the compensatory afforestation scheme work in the 2.00 ha degraded forest area in Melumalai RF to at an amount of estimated cost of Rs. 29,56,400/-.

Salient feature of Compensatory Afforestation scheme proposed is as follows:

No. of seedlings proposed for planting in one ha.	- 1000 No.
Maintenance years	- 10 years
Nursery, planting and 10 years maintenance cost With escalation of cost over the years	- Rs. 29,56,400/-

Site suitability certificate of the proposed Compensatory Afforestation area has been uploaded by the Wildlife Warden.

- ix) The Wildlife Warden has proposed wildlife mitigation plan for the project proposal and implementation of wildlife mitigation plan is justified for the following reasons:-
 - a) In 1.00 km radius of proposed diversion area, there is no any notified Wildlife Corridor. But, the proposed diversion area is seasonally and occasionally used by the Elephants to a radius of more than 5.00 km from the proposed diversion area. The distance from the nearest boundary of the sanctuary (Cauvery North Wildlife Sanctuary) to this proposed area is at about 2.10 km, and there is seasonal and occasional movement of elephants noticed from the sanctuary area to the proposed area and around for crop raid. There is also a railway line passing close to the proposed diversion area at a distance of nearly 2.00 km for a length of nearly 10km. The railway line is located between Cauvery North Wildlife Sanctuary and proposed area. In the year 2003 and 2013, totally 7 number of elephants died due to train hit in this railway stretch. The brief details of elephant movement and Human–Elephant conflict and negative interaction is mentioned in the Wildlife Mitigation plan along with maps. Hence, in order to manage

Man-animal conflict, the Wildlife Mitigation plan is proposed for Rs.765.00 lakhs by the Wildlife Warden, Hosur Division.

- b) The Wildlife Mitigation Measures plan submitted by the Wildlife Warden Hosur has been approved by the Principal Chief Conservator of Forests and Chief Wildlife Warden, Chennai in Ref. No.WL5/33675/ 2022, dated 11.11.2022. Copy of the approval is furnished.
- x) In the site inspection report, the Wildlife Warden has stated that, the proposed site was inspected on 02.09.2022 and the user agency has furnished proposal requesting prior permission under forest Conservation Act, 1980 for diversion of 0.9856 ha of forest land for erection of 110KV transmission line from Rayakottai-Kelamangalam road to TATA Electronics Company passing through SF No. 954-956, 959-965, 970-972, 977, 978 to an extent of 0.9856 ha of Ayaranapalli village, Soolagiri Taluk, Krishnagiri District. As per Revenue records, the proposed site is classifies as un-assessed waste-Vanasaragam land which defined as Forests. The proposed site for the erection of 110 KV transmission line under FC Act 1980 is linear project.
 - a) The user agency has not yet commenced any work in the field therefore the question of violation of provisions of the Forest (Conservation) Act, 1980 does not arise and there is no encroachment in this area.
 - b) The forest land required for the project is not the part of any National Park, Wildlife Sanctuary, Biosphere Reserve or any notified Wildlife corridor. But, the proposed diversion area is seasonally and occasionally used by the Elephants to a radius of more than 5.00 km from the proposed diversion area. The distance from the nearest boundary of the sanctuary (Cauvery North Wildlife Sanctuary) to this proposed area is at about 2.10 km, and there is seasonal and occasional movement of elephants noticed from the sanctuary area to the proposed area and around for crop raid. There is also a railway line passing close to the proposed diversion area at a distance of nearly 2.00 km for a length of nearly 10km. The railway line is located between Cauvery North Wildlife Sanctuary and proposed area. In the year 2003 and 2013, totally 7 number of elephants died due to train hit in this railway stretch.
 - c) The proposed site consists of only shrubs and hence the question of damages to the flora and fauna does not arise and there is no tree felling involved due to the diversion of 0.9856 ha of the area for the erection of transmission line.
 - d) The proposed line is to be laid to a length of 448m and to a width of 22.00m.
- xi) In the specific recommendation of the proposal, the Wildlife Warden, Hosur Division has reported that the proposed site is located on the northern side of the Udedurgam Reserved Forest at a distance of 2.10km. The site consist of only shrubs and no tree felling is involved due to the diversion of 0.9856 ha of the area for the erection of transmission line. Seasonal/occasional movement of Elephants noticed in the proposed

diversion area, accordingly detailed Wildlife Mitigation plan proposed. Considering the above facts and field observations, he has recommended the proposal for seeking diversion of land.

5. The Conservator of Forests, Dharmapuri Circle has inspected the area on 12.10.2022 and has remarked that, the proposed 110 Kv transmission line is erected to the TATA Electronic company, it will also serve for the benefit of job opportunity to the local residents including Scheduled Caste and Scheduled Tribe in this area and recommended the proposal for diversion of 0.9856 ha of forest area.

6. The Principal Chief Conservator of Forests has also stated that, The User Agency has requested forest area diversion for a period of 99 years. The Wildlife Warden, Hosur Division and Conservator of Forests Dharmapuri Circle have recommended the forest area diversion for a period of 10 years. Based on the recommendations made by the Wildlife Warden, and Conservator of Forests, diversion of forest area for the project proposal is recommended for a period of 10 years.

7. Further, the Principal Chief Conservator of Forests 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 Section 2 of Forest (Conservation) Act, 1980 guidelines. Laying of electric and telecommunication lines is one of the work allowed under general approval list.

8. Further, the Principal Chief Conservator of Forests has stated that, the proposal is sent duly recommended by the Additional Principal Chief Conservator of Forests (Forest Conservation Act) / Nodal Officer, Forest (Conservation) Act, 1980 of the State of Tamil Nadu.

9. Based on the recommendation made by the Wildlife Warden, Hosur Division and Conservator of Forests, Dharmapuri Circle, the Principal Chief Conservator of Forests (Head of Forest Force) has recommended the proposal for diversion of 0.9856 ha of forest land recorded in Revenue records as un-assessed waste-Forest Range land which defined as Forests in Ayaranapalli village, Soolagiri Taluk of Krishnagiri District for erection of 110KV transmission line from Rayakottai-Kelamangalam road to TATA Electronics Company passing through forest area to an extent of 0.9856 ha of Ayaranapalli village, Soolagiri Taluk, Krishnagiri District in favour of the Executive Engineer, TLC/ Tamil Nadu Transmission Corporation Limited , Dharmapuri, Dharmapuri District for a period of 10 years, under section 2 of Forest (Conservation) Act 1980 and requested to issue in-principle (Stage-I) 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 remains 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 an interval of 20 meters at their cost.
- iii) The User Agency has to pay the cost of Raising Compensatory Afforestation / Maintenance of plantation, protection of plantation etc., 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.

- iv) 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.
- 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) The User Agency has to pay the cost towards Wildlife Mitigation Measures Plan approved by the Principal Chef Conservator of Forests and Chief Wildlife Warden, Chennai.
- vii) Amount of Compensatory levies, Net Present Value of forest area, Wildlife Mitigation Measures Plan etc., under the project shall be transferred / deposited to Compensatory Afforestation Fund Management and Planning Authority fund only through e-portal (<https://parivesh.nic.in/>)
- viii) 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 for the entire project period as the forest area diversion is meant for commercial activity usage.
- ix) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies / department or person without prior approval of State Government.
- x) The maximum width of Right of Way for the proposed transmission line on the forest land shall not be more than 22 mtrs.
- xi) The layout plan of the proposal shall not be changed without prior approval of the Government.
- xii) Height of the 110 Kv transmission line tower should be maintained to 32.235m at tower location No.4 and 26.235m at tower location No.5 and minimum ground clearance should be maintained at 14.35m between tower location No.3 to 4 and 8.10m between tower location No.4 to 5.
- xiii) The User Agency shall ensure compliance to provisions of all Acts, Rules, Regulation and guidelines of the Ministry of Environment, Forests and Climate Change for the time being in force as applicable to the transmission line projects
- xiv) The total forest area utilized for the project shall not exceed 0.9856 ha and the forest area diverted shall not be used for any other purpose other than those shown in the diversion proposal. The User Agency shall furnish an undertaking to this effect.
- xv) The approval under Forest (Conservation) Act, 1980 is subject to the clearance under all other Acts, Rules, Guidelines, Regulations and Court Orders applicable to such projects.
- xvi) Any other conditions that the Central Government or Regional Officer (Central) of Integrated Regional Office, Chennai or State Government-Forest Department may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the User Agency.

- xvii) In the event of failure to comply with any of the above conditions, the User Agency is liable for penal action provision made under Forest (Conservation) Act, 1980 and guidelines made there under.
- xviii) Period of lease is ten (10) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

10. On further clarifications, the Principal Chief Conservator of Forests (Head of Forest Force) has been requested to obtain and send the original certificate of the District Collector with his full name and authenticated office seal, as per the format prescribed in Form-I for linear projects in the Comprehensive Guidelines of Forest (Conservation) Act, 1980 for further consideration of the proposal. In this regard, he has furnished the District Collector's Certificate of Forest Rights Act, 2006 with the authenticated office seal and signature and however without the full name of the District Collector.

11. As the said transmission line is proposed to be erected for TATA Electronics Company which is a private entity, the above diversion proposal can not be considered under the general approval category.

12. The Government have examined and accept the proposal (FP/TN/Trans/155570/2022) of the Principal Chief Conservator of Forests (Head of Forest Force) for diversion of 0.9856 ha of forest land recorded in Revenue records as un-assessed waste-Forest Range land which defined as Forests in Ayaranapalli village, Soolagiri Taluk of Krishnagiri District for erection of 110KV transmission line from Rayakottai-Kelamangalam road to TATA Electronics Company passing through forest area to an extent of 0.9856 ha of Ayaranapalli village, Soolagiri Taluk, Krishnagiri District in favour of the Executive Engineer, TLC / Tamil Nadu Transmission Corporation Limited, Dharmapuri, Dharmapuri District for a period of 10 years, under section 2 of Forest (Conservation) Act, 1980 and decided to forward the same to Ministry of Environment, Forests and Climate Change, Government of India for obtaining their concurrence.

13. 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. Nagala
25/4/2023

for Additional Chief Secretary to Government.

Copy to:-

The Principal Chief Conservator of
Forest (Head of Forest Force), Chennai-32.
The Executive Engineer,
Transmission Line Construction,
Tamil Nadu Transmission Corporation Limited /
Tamil Nadu Electricity Board
Dharmapuri – 636 705.

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/Trans/155570/2022) for diversion of 0.9856 ha of forest land recorded in Revenue records as un-assessed waste-Forest Range land which defined as Forests in Ayaranapalli village, Soolagiri Taluk of Krishnagiri District for erection of 110KV transmission line from Rayakottai-Kelamangalam road to TATA Electronics Company passing through forest area to an extent of 0.9856 ha of Ayaranapalli village, Soolagiri Taluk, Krishnagiri District in favour of the Executive Engineer, TLC/TANTRANSCO, Dharmapuri, Dharmapuri District for a period of 10 years, under section 2 of Forest (Conservation) Act, 1980.

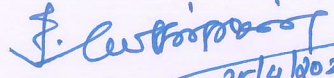
18. Recommendation of the State Government

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 : 25.04.2023

Place : Chennai-9.


25/4/2023
[J. MOHAN RAMAN]
Signature

Name & Designation
(Official Seal)

Deputy Secretary to Government
Environment, Climate Change
and Forest Department
Secretariat, Chennai - 9.

