

TAMIL NADU FOREST DEPARTMENT

From
Subrat Mohapatra, IFS.,
Principal Chief Conservator of Forests
(Head of Forest Force),
Forest Headquarters Building,
Guindy Velachery Main Road,
Near Kannikapuram Checkpost,
Guindy, Chennai - 600032

To
The Additional Chief Secretary to
Government,
Environment, Climate Change and
Forests Department, Secretariat,
Chennai - 9.

Ref.No. TS4/35838/2017, dt: 13.03.2023.

Madam,

Sub Forests - Forest (Conservation) Act, 1980 - SMTR, Madurai Circle & Dindigul circle / Madurai (0.8149ha) & Dindigul (1.567ha) Forest Division - Proposal for diversion of 2.3824ha of forest land for formation of Madurai Natham road for preparation of DPR for development of Economic corridors, Inter corridors, feeder routes and coastal roads to improve the efficiency of freight movement in India - Online proposal Submission by the User Agency i.e., NHAI- Project Director, Madurai- compliance report sent - Regarding.

- Ref:
1. Online application uploaded by the U/A -Project Director, NHAI, Madurai dated 27.09.2017 and EDS replies (FP/TN/ROAD/29470/2017).
 2. Government of India Letter F.No.4-TNB077/2022-CHN/1197 dated 15.11.2022
 3. Government Letter No:6885/FR10/2021-7 dated 28.11.2022
 4. Compliance report uploaded by the user agency (NHAI) on 01.02.2023.
 5. District Forest Officer, Dindigul in Lr.No.2439/2019/D1 dated 07.02.2023
 6. Conservator of Forests, Dindigul C.No:4024/2022/D1 dated 08.02.2023
 7. District Forest Officer, Madurai in Lr.No:1173/2018/D1 dated 27.02.2023
 8. Conservator of Forests & Field Director, SMTR, Madurai C.No:1485/2019/D1 dated 06.03.2023

I wish to furnish herewith the Compliance report on Stage I approval accorded by the Government of India with reference to 2nd cited for the diversion of 2.3824ha of forest land for formation of Madurai-Natham road for preparation of DPR for development of Economic corridors, Inter corridors, feeder routes and coastal roads to improve the efficiency of freight movement in India is as follows.

The User Agency has uploaded the compliance report on stage I approval accorded by the Government of India vide Reference 4th cited for diversion of 2.3824ha of forest land in Kiluvamalai and Usilampatti Reserved Forest of Madurai Forest division and Alagarmalai Reserved Forest of Dindigul Division for formation of Madurai-Natham road for preparation of DPR for development of Economic corridors, Inter corridors, feeder routes and coastal roads to improve the efficiency of freight movement in India and the same has been verified by the District Forest Officer, Madurai and Dindigul and submitted the compliance report along with all under

takings and documents vide reference 5th and 7th cited and the details of Compliance report are furnished below.

Stage-I approval has been received from Integrated Regional Office, Ministry of Environment, Forests and Climate Change, Chennai for the above project in the reference 2nd cited and the District Forest Officer, Madurai & District Forest Officer, Dindigul have send the demand notice provided the details of NPV, Compensatory afforestation charges and mitigation measures charges to be paid by User Agency. Based on the Demand letters Challan has been generated for an amount of Rs. 2,87,88,816/- (Rupees Two Crore Eighty Seven Lakhs Eighty Eight Thousand Eight Hundred and Sixteen only) in Parivesh Portal and this amount includes of NPV Value, Compensatory Afforestation charges and Mitigation Plan charges received from DFO, Madurai and DFO, Dindigul as follows:

Sl. No	Details of demand notice	Amount mentioned by DFO, Madurai	Amount mentioned by DFO, Dindigul (in Rupees)	Total amount
1	NPV	7,01,950	13,49,800	20,51,750
2	Compensatory Afforestation	27,02,762	39,84,304	66,87,066
3	Wildlife Mitigation Plan	1,10,00,000	90,50,000	2,00,50,000
TOTAL				2,87,88,816

The total amount towards NPV Value, Compensatory Afforestation and Mitigation Plan of both Madurai and Dindigul Forest Divisions amounting to Rs. 2,87,88,816/- has been paid by NHAI to TAMILNADU CAMPA vide UTR No. CMS0162339878034 on 16.01.2023.

S.No	Conditions stipulated by IRO, MoEF&CC, Chennai	Reply to the Conditions
1	The legal status of the diverted forest land shall remain unchanged.	The User Agency has agreed the condition and a combined Undertaking has been submitted by the User Agency (Copy enclosed).
2	Demarcation of the proposed forest area shall be carried out by erecting 4 feet high cement concrete pillars, duly numbered, at an interval of 20 meters at the cost of the User Agency	A combined Undertaking certificate has been submitted by the User Agency (Copy enclosed)
3	Exact length and width of the road within the proposed alignment which is not part of notified RF may be informed with supporting documents and in any case the state Government shall not allow the User agency to utilize forest area without prior approval of Government of India under FCA, 1980;	The User Agency has furnished FMB sketch showing exact length and width of existing road land (including copy of A-register dated 20.10.1919) which is not a part of notified RF is herewith appended as Annexure.

4	The State Forest Department shall carryout compensatory afforestation over an extent of 3.50 ha of Degraded Forest land identified at Alagarmalai RF, Azhagarkovil Range and an extent of 5.00 ha of degraded forest land identified at Kiluvamalai RF, at the cost of the User Agency;	The User Agency has paid CA amount Rs. 39,84,304/- for raising the indigenous tree species and its maintenance over an extent of 3.50Ha in Alagarmalai RF as per the demand notice received from District Forest Officer, Dindigul and the CA amount of Rs. 27,02,762/- for raising the indigenous tree species and its maintenance over an extent of 5.00Ha in Kiluvamalai RF as per the demand notice received from DFO, Madurai as per challan generated from the Parivesh portal. (UTR: CMS0162339878034 dated 16.01.2023)
5	Identified CA area and CA scheme shall not be changed without prior approval of Central Government;	A combined Undertaking has been submitted by the User Agency (Copy enclosed)
6	The State Government shall charge the Net Present Value of the Diverted forest land measuring 2.3824 ha from the user Agency as per the orders of the Hon'ble supreme Court dated 28.03.2008 and 09.05.2008 in IA Nos.826 in 566 with related IA's in writ Petition (Civil) No.202/1995 and Ministry's guideline No.5-3/2011-FC(Vol-1) dated 06.01.2022 and clarification issued vide letter dated 19.01.2022 and 22.03.2022;	The User Agency has paid NPV amounting Rs.7,01,950/- as per the demand notice received from DFO, Madurai and the NPV amounting Rs.13,49,800/- as per the demand notice received from DFO, Dindigul as per challan generated from the Parivesh portal. (UTR: CMS0162339878034 dated 16.01.2023)
7.	Additional amount of the Net Present Value (NPV) of diverted forest land 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 the undertaking to this effect.	A combined Undertaking has been submitted by the User Agency (Copy enclosed).
8	All the funds received from the User Agency under the project shall be transferred / deposited to CAMPA fund only through e-portal (https://parivesh.nic.in/);	The fund of Rs. 2,87,88,816/- towards Net Present Value, Compensatory Afforestation and Wildlife Mitigation Plan has already deposited to CAMPA fund through Parivesh portal as per the direction of Forest Department/State Government. A combined Undertaking has been submitted by the User Agency (Copy enclosed).
9	The User Agency shall construct retaining walls and Check walls wherever required by consulting the District Forest Officer concerned, at the proposed cost;	A combined Undertaking has been submitted by the User Agency (Copy enclosed).
10	The user Agency shall carryout avenue plantation and its maintenance on sides of the road at the cost of the project;	The User Agency has stated that avenue plantation will be done as per IRC: SP 21-2009 at the cost of NHAI. A combined Undertaking has been submitted by the User Agency (Copy enclosed)

11	<p>The User Agency shall obtain prior approval of Hon'ble Supreme Court of India/CEC for felling of tree of spontaneous origin and UA shall abide by the recommendations of the CEC. The State Government shall not issue working permission till prior approval of Hon'ble Supreme Court of India/CEC, realization of all levies and compliance of other conditions for issuing of such working permission;</p>	<p>Project Director, NHAI, Madurai filed IA before Hon'ble Supreme court of India in I.A Nos. 20662/2021 and 20676 /2021 on 01.02.2021 for felling of Spontaneous trees identified by DFO, Madurai and DFO Dindigul. The Hon'ble Supreme Court of India granted prior approval vide order dated 24.03.2022. These applications are filed by the National Highways Authority of India seeking permission to fell 170 trees in Kiluvamali Reserve of Palagur village in Madurai North and 77 trees in Alagarmalai Reserve Forest in Dindigul District. Mr. P.V Yogeswaran, Learned Counsel appearing for the applicant and Mr. A.D.N. Rao, learned Amicus Curial, we are of the opinion that these applications deserve to be allowed subject to the applicant obtaining all statutory clearances. (Copy of order enclosed)</p>
12	<p>Trees required to be felled, shall be felled under the strict supervision of DFOs concerned;</p>	<p>The User Agency has stated that the trees will be felled only in the area immediately required for 30m highway construction and also as per Stage I approval. The User Agency has also stated that the trees standing in the portion of the land required for future widening of the Highway will not be felled down now and assure that only the trees which are found bare necessary shall only be cut down during construction. NHAI has undertaken that the trees will be felled under the strict supervision of concerned DFO's. A combined Undertaking has been submitted by the User Agency (Copy enclosed).</p>
13	<p>As the wildlife mitigation plan duly approved by the CWLW shall be implemented at the project cost;</p>	<p>NHAI has paid the mitigation plan amount of Rs. 110.00 lakhs of Madurai division and Rs. 90.50 lakhs for Dindigul Division duly approved by Chief Wildlife Warden through web portal on 16.01.2023 and shall be implemented at the project cost. A combined Undertaking has been submitted by the User Agency (Copy enclosed).</p>
14	<p>Construction of culverts/ bridges, if any, over the natural streams / rivers / canals shall be done in such a manner that it does not hamper the natural course of water, does not give rise to water logging and also does not hamper movement of wild animals.</p>	<p>NHAI has undertaken that the additional culvert/bridges over the natural streams/rivers/canal will be constructed in consultation with DFO, Dindigul and DFO, Madurai to facilitate the free flow of water course to avoid rise of water logging and hampering the movement of Wild animals. A combined Undertaking has been submitted by the User Agency (Copy enclosed).</p>

15	Roadside cuttings and fillings which require engineering support shall be provided as per the instructions of the District Forest Officer concerned so as to stabilize the soil.	NHAI has undertaken that proper slope protection for the cutting & filling will be provided in consultation with DFO, Madurai & Dindigul. A combined Undertaking has been submitted by the User Agency (Copy enclosed)
16	The dug out material / overburden shall be dumped outside the forest area. Storage of any material shall not be done in the forest area.	NHAI has undertaken that the dugout material/overburden/debris will be dumped outside the forest area and no storage will be done in forest area. A combined Undertaking has been submitted by the User Agency (Copy enclosed). Further the User Agency has stated that portion of dug out material useful for forest department purpose will be handed over at the site as per the requested quantity by the District Forest Officer. The dug out material/over burden material/debris found suitable for road formation will be utilised in this project highway based on the requirement. If any excess over material is available, then the same will be dumped outside the forest area and will not be used by the NHAI.
17	The layout plan of the proposal shall not be changed without the prior approval of the Central Government.	NHAI has undertaken that, the proposed layout plan will not be changed without prior approval of the Central Government. A combined Undertaking has been submitted by the User Agency (Copy enclosed)
18	The User Agency shall provide fire wood preferably alternate fuel to laborers working at the site to avoid damage/tree felling and no labour camp shall be established inside the forest area;	NHAI has undertaken that no labour camp will be established inside the forest area and alternate fuel will be provided to labour to avoid damage/felling of trees. A combined Undertaking has been submitted by the User Agency (Copy enclosed)
19	Disturbance shall be kept minimum by creating labour camps outside the forest area as far as possible and it will be the responsibility of the User Agency to ensure that the labourers & staff engaged in execution of work do not destruct nearby forest flora & fauna;	A combined Undertaking has been submitted by the User Agency (Copy enclosed).
20	The total forest area utilized for the project shall not exceed 2.3824 Ha (with the condition that the wherever space left for Avenue Plantation within the area of 2.3824 Ha, existing trees shall be retained and if required in view of road safety, then such trees	NHAI has undertaken that the forest area to be utilized will not exceed 2.3824 Ha (with the condition that the wherever space left for Avenue Plantation within the area of 2.3824 Ha, existing trees shall be retained and if required in view of road safety, then such trees may be pruned as

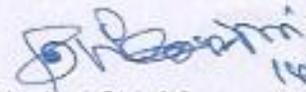
	<p>may be pruned as per requirement with the approval of DFOs concerned and forest area proposed for future widening within 2.3824 ha, shall not be utilized for non-forestry purpose at present and whenever required for future widening, the User Agency may request for concurrence from IRO, Chennai to utilize such area earmarked for future utility purpose within 2.3824 ha). The forest area diverted shall not be used for any purpose other than those shown in the diversion proposal. The User Agency shall furnish an undertaking to this effect;</p>	<p>per requirement with the approval of DFOs concerned and forest area proposed for future widening within 2.3824 ha, shall not be utilized for non-forestry purpose at present and whenever required for future widening, the User Agency may request for concurrence from IRO, Chennai to utilize such area earmarked for future utility purpose within 2.3824 ha). The diverted forest land will not be used for any other purpose than shown in the diversion proposal. A combined Undertaking has been submitted by the User Agency (Copy enclosed).</p>
21	<p>The forest land proposed for diversion shall under no circumstances be transferred or sublet to any other agency, department or person without prior approval of the Central Government;</p>	<p>NHA has undertaken that the proposed forest land diversion will not be transferred or sublet to any other department or person without getting prior approval from Central Government. A combined Undertaking has been submitted by the User Agency (Copy enclosed).</p>
22	<p>The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines for the time being in force as applicable to the project;</p>	<p>A combined Undertaking has been submitted by the User Agency (Copy enclosed).</p>
23	<p>Any other condition that the Central Government or Regional Officer (Central), of integrated Regional Office, Chennai 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.</p>	<p>A combined Undertaking has been submitted by the User Agency (Copy enclosed).</p>
24	<p>In the event of failure to comply with any of the above conditions the User Agency is liable for penal action as per the provisions under rules/guidelines issued under FCA, 1980.</p>	<p>A combined Undertaking has been submitted by the User Agency (Copy enclosed).</p>
25	<p>The State Government shall process and submit compliance report on the above condition through online (https://parivesh.nic.in/)</p>	<p>Compliance for the stipulated condition will be submitted through online i.e. on Parivesh portal to enable the State Government for onward transmission of Compliance.</p>

The compliance report received from the User Agency along with connected undertakings / documents and report of the District Forest Officer, Madurai and Dindigul are enclosed herewith.

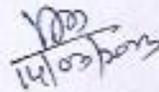
Since the conditions stipulated in the Government letter 2nd cited have been fulfilled by the User Agency, I request that Stage - II final approval for diversion of 2.3824ha of forest land in Usilampatty Reserved Forest (0.2249 ha) & Kiluvamalai Reserved Forest (0.59 ha) of Madurai Division and Alagarmalai Reserved Forest (1.56 ha) of Dindigul Division for formation of Madurai-Natham road for preparation of DPR for development of Economic corridors, Inter corridors, feeder routes and coastal roads to improve the efficiency of freight movement in India in favour of NHAI, Madurai, for a period of 20 years may be obtained from the Government of India and communicated early.

Encl. as above

Yours faithfully,


14/03/2023

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


14/03/2023