

By online / Email.

TAMILNADU FOREST DEPARTMENT

From Subrat Mohapatra, I.F.S.,
Principal Chief Conservator of Forests,
(Head of Forest Force)
Forest Head Quarters Building, Guindy-
Velachery Main Road, Guindy,
Chennai-32.

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

C. No. TS3/3481/2020 Dated: 08.09.2023.

Madam,

Sub: Forest (Conservation) Act, 1980 – Proposal for diversion of 0.21 ha forest area in Kuruchi Forest Block I and II of Coimbatore Forest Division for providing water supply for 8 added areas in Coimbatore Corporation extended areas in the Coimbatore District in favour of Executive Engineer, TWAD Board, Major Projects Division, Coimbatore – Proposal forwarded – Details called for – Regarding.

- Ref: 1 Online forest clearance proposal uploaded by the Executive Engineer, Major Projects Division, TWAD Board, Coimbatore -- Proposal No. FP/TN/Water/43869/2020, dated 10.01.2020 and resubmission of proposal on 11.02.2020.
- 2 Part-II of Form-A uploaded by the District Forest Officer, Coimbatore Division on 06.10.2020 and resubmission of proposal dated 07.02.2022 and 10.05.2022 - EDS query replies uploaded in the web portal
- 3 Part-III of Form-A uploaded by the Additional Principal Chief Conservator of Forests, Coimbatore Circle on 09.10.2020 and resubmission of proposal dated 08.02.2022, 12.05.2022 and 28.07.2022 - EDS query replies uploaded in the web portal
- 4 Principal Chief Conservator of Forests Ref. No. TS3/3481/2020, dated 27.09.2022 and 08.05.2023.
- 5 Government letter No. 17155/FR.10/2022-2, dated 29.05.2023

With reference to the Government letter 5th cited, I wish to inform the following.

i) The District Forest Officer, Coimbatore Division has reported that (copy enclosed), diversion of forest area proposal has been uploaded by the user agency during 2020. The area requested for diversion of forest area of 0.21 ha is very less. Hence the then District Forest Officer has not proposed compensatory Afforestation scheme as per Chapter 3, 3.2 of (vii) (b) of Forest Conservation Amendments Rules 2004 for diversion of forest land up to one hectare and enclosed the relevant copy of above guidelines. Since the proposal has been uploaded during 2020, revised Forest Conservation Rules 2022 (come in to effect from 28.06.2022) is not applicable to this proposal.

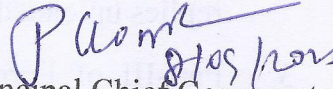
ii) Condition of 'If any maintenance works is undertaken, the user agency shall seek written permission from the District Forest Officer' has been recommended in view of effective management of forest area, since the maintenance works are being carried out by deploying heavy machinery and work force.

iii) Drinking water supply project proposal is to be implemented in Kuruchi Forest Block I & II, which is a Reserved Land. Hence the Right of Way for this forest block is not declared. Hence this proposal may be considered under (d) Drinking water 4.3 of Chapter 4 of Forest Conservation Act 1980 hand book 2019.

I request that the proposal may be considered and Stage-I in-principle approval may be issued for the project proposal.

Encl : As stated above.

Yours faithfully



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

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TAMILNADU FOREST DEPARTMENT

From
Thiru. N.Jayaraj, I.F.S.
District Forest Officer,
Coimbatore Division,
Coimbatore – 641043.

To
The Principal Chief Conservator of Forests
(Head of Forest Force),
Chennai - 32.

Through
The Conservator of Forest and Field Director,
Anamalai Tiger Reserve,
Coimbatore – 641 043.

C. No. 9246/2019/D1 Dated: 08.08.2023



Sub: Forest (Conservation) Act, 1980 – Coimbatore Circle / Division
– Providing water supply for 8 added areas in Coimbatore
Corporation extended areas – Diversion of 0.21 ha of forest area
requested – Online Submission of proposal – Report submission
- Regarding.

- Ref: 1. Government letter No. 17155/FR.10/2022-2, dated:-
29.05.2023.
2. The Principal Chief Conservator of Forests, Chennai,
C.No.TS3/3481/2020, dated:- 14.06.2023.
3. The Conservator of Forests and Field Director, Anamalai
Tiger Reserve, Coimbatore, C. No. D1/2038/2022, dated:-
20.06.2023.

With reference to the above, I submit that the clarification details called for by the Government vide in the reference 1st cited is furnished as follows:-

1. The above proposal was uploaded by the User Agency during 2020. The area requested for diversion of forest area has also very less (0.21 ha.). Hence the then District Forest Office has not proposed for compensatory Afforestation Scheme as per Chapter -3, 3.2 of (vii)(b) of Forest (Conservation) Amendments Rules, 2004 for diversion of forest land up to one hectare (Copy enclosed herewith).
2. The condition proposed by the Principal Chief Conservator of Forests (HoFF), Chennai, stated that, "If any maintenance work is undertaken, the user agency

- (iv) Where non-forest lands are not available or non-forest land is available in less extent to the forest area being diverted, compensatory afforestation may be carried out over degraded forest land being diverted and available non-forest land, as the case may be.
- (v) The non-availability of suitable non-forest land for compensatory afforestation in the entire State / Union Territory would be accepted by the Central Government only on the Certificate from the Chief Secretary to the State/Union Territory Government to that effect.
- (vi) **An exception to 3.2(i) above, compensatory afforestation may be raised over degraded forest land twice in extent of the forest area being diverted/deserved in respect of following types of proposals:**
- (a) For extraction of minor minerals from the river beds. (However, if forest area to be diverted is above 500 hectares, compensatory afforestation over equivalent area of degraded forest shall be required to be done instead of twice the area being diverted subject to a minimum of 1000 hectare compensatory afforestation).
 - (b) For construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the – in hill district having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 20 hectares.
 - (c) For laying of transmission lines upto 220 KV.
 - (d) For mulberry plantation undertaken for silk-worm rearing without any felling of existing trees.
 - (e) For diversion of linear or 'strip' plantation declared as protected forest along the road/ rail/ canal sides for widening or expansion of road/ rail/ canal.
 - (f) For laying of telephone/optical fibre lines.
- (vii) **The field firing ranges**, which are used temporarily by the defence establishments for arms practice, comprises, of safety zone encompassing the field firing range and danger area/ impact zone. Keeping in view that the impact area is only a small portion of the entire firing range and as an exception to 3.2 (i) above, compensatory afforestation may be raised over equivalent degraded forest land of the forest area being diverted for impact zone of the field firing range.
- (vii) No compensatory afforestation shall be insisted upon in respect of the following:-
- (a) For clearing of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation.
 - (b) Proposals involving diversion of forest land upto one hectare. (However, in such cases, plantation of ten times the number of trees

likely to be filled will have to be carried out by way of compensatory afforestation or any number of trees specified in the order).

- (c) For underground mining in forest land below 3 metres. (However, in respect of forest area required for surface right, compensatory afforestation shall be required as per relevant provisions).
 - (d) Cases of renewal of mining lease, for the forest area already broken/used for mining, dumping or over burden, construction of road, ropeways, buildings, etc. For the balance area, compensatory afforestation shall be required to be done as stipulated, provided that no compensatory afforestation had been stipulated and done in respect of this area at the time of grant/renewal of lease earlier.
- (ix) **Special provisions for Central Government/Central Government Undertaking Projects. –**
- (a) Compensatory afforestation may be raised on degraded forest land twice in extent of forest area being diverted. Certificate of Chief Secretary regarding non-availability of non-forest land for compensatory afforestation will not be insisted.
 - (b) The user agency will deposit the amount for compensatory afforestation with the concerned State Govt. on receiving the demand and the actual transfer/use of forest land will be effected only after the receipt of the demanded amount.
 - (c) The State Governments will identify 'blank forest' or degraded forest lands for compensatory afforestation. The State Governments of Madhya Pradesh and Rajasthan will identify such degraded forest land in their States for compensatory afforestation of Central Projects in their respective States as indicated by the Chief Secretaries of these two States in the meeting of Committee of Secretaries held on 15-11-1996.
 - (d) The pool of degraded forest land in Madhya Pradesh and Rajasthan will also be available for the Central Government projects of other States if the concerned State Government fail to identify the requisite land, as mentioned at (a) above, for compensatory afforestation in its own territory within one month of the submission of the proposal to the State Government.
 - (e) While identify the pool of degraded forest land, blank forest lands in reserved forests in compact/ sizeable blocks should be identified as first priority as "plantation bank". As appropriate treatment plan with choice of species should be prepared by the beneficiary States. Only when such areas are not available, the choice of compensatory afforestation will fall on protected, unprotected forests and unclassified forests in declining order of priority.
 - (f) The Nodal Officer (Forest Conservation), State Forest Department will identify the pool of such degraded forest lands in consultation

with concerned Chief Conservator of Forests (C), Regional Offices of the MOEF.

Clarification: The provisions of the above guideline would be applicable only Central Sector projects and not on State Sector projects which are being undertaken by Central PSUs on turnkey basis. In such cases, Compensatory Afforestation on equivalent non-forest land/a certificate of Chief Secretary regarding non-availability of equivalent non-forest land anywhere in the State shall be insisted upon.

3.3 Elements of Schemes for Compensatory Afforestation. –

- (i) The scheme for compensatory afforestation should contain the following details:-
 - (a) Details of equivalent non-forest or degraded forest land identified for raising compensatory afforestation.
 - (b) Delineation of proposed area on suitable map.
 - (c) Agency responsible for afforestation.
 - (d) Details of work schedule proposed for compensatory afforestation.
 - (e) Cost structure of plantation, provision of funds and the mechanism to ensure that the funds will be utilised for raising afforestation.
 - (f) Details of proposed monitoring mechanism.

3.4 Lands identified for Compensatory Afforestation to be Transferred to the Forest Department. –

- (i) Equivalent non-forest land identified for the purpose are to be transferred to the ownership of the State Forest Department and **declared as reserved/protected forests, so that the plantation raised can be maintained permanently.** The transfer must take prior to the commencement of the project.
- (ii) The compensatory afforestation should clearly be an additional plantation activity and not a diversion of part of the annual plantation programme.
- (iii) In each case where the afforestation target is over 500 hectares in plans, and 200 hectares in hill, a Monitoring Committee shall be established with a nominee of the Central Government to oversee that the stipulations, including those pertaining to compensatory plantation are carried out.

3.5 Special Fund. –

- (i) The State / Union Territory Government should create a special fund to which the individual user agency will make its deposits for Compensatory Afforestation. The Forest Department, or any other technically competent agency which is assigned the job of compensatory afforestation should fully utilise this amount for implementation of the afforestation scheme approved by the Government of India, and keep separate and meticulous account thereof.

Handbook of

**Forest (Conservation) Act, 1980
and
Forest Conservation Rules, 2003
(Guidelines & Clarifications)**



**Ministry of Environment, Forest and Climate Change
Government of India**

2019

- No tree felling is involved for the proposed work
- After completion of the project the area under RoW should be reclaimed suitably.
- UA agrees to make good any loss to Forest/Environment.
- The UA will seek permission from the local FD for carrying out any maintenance.
- In case, the proposed area falls in the RoW of the road passing through National Parks and Wildlife Sanctuaries, General Approval is subject to requisite permissions from the State Board for Wildlife shall be obtained.
- In case, the proposed area falls in the RoW of the road passing through Tiger Reserves, General Approval is subject to requisite permissions from the National Board for Wildlife/NTCA shall be obtained.

4.3 Critical development initiatives for public

General approval for diversion of forest area for the development of following critical public utility and welfare projects:

- a. Schools/Educational Institutes;
- b. Dispensary/hospital;
- c. Electric and telecommunication lines;
- d. Drinking water;
- e. Water/rainwater harvesting structures;
- f. Minor irrigation canal;
- g. Non-conventional sources of energy;
- h. Skill up-gradation / vocational training center;
- i. Power sub stations;
- j. Communication posts;
- k. Construction/widening of roads including approach road to roadside establishments
- l. Upgradation/strengthening/widening of existing bridges by BRO
- m. Police establishments like police stations /outposts /border outposts /towers in sensitive areas (identified by Ministry of Home Affairs)
- n. Government approved community toilets partly or fully in forest lands involving not more than one-hectare subject to approval by GP in rural areas and urban bodies in urban areas, and
- o. Water mills

4.3.1 This approval, (in addition to general conditions mentioned above in para – 4.1) is subject to following conditions:

- (a) Area not more than one hectare, in each case.
- (b) The area shall not involve felling of more than 50 trees per/ha. In case the area to be diverted is less than 1 ha, then permissible tree felling limit, within the area to be diverted, shall be worked out proportionately. In any case, if the number of trees to be felled is less than 10, irrespective of the area to be diverted, within the limit of 1 ha,