



No. 5-WBA072/2014-BHU

28th November, 2017

To

The Principal Secretary,
Forest Department (Forest Branch),
Govt. of West Bengal,
Aranya Bhawan, (1st Floor)
Block-LA-10A, Sector-III, Salt Lake City,
KOLKATA - 700 098.

Sub:-

Diversion of 86.6255 ha (18.604 ha in Darjeeling Forest Division + 12.3436 ha in Kurseong Forest Division + 8.8489 ha in Wildlife-I Division + 46.829 ha under Kalimpong Forest Division) of forest land in favour of the North Frontier Railway, Jalpaiguri for construction of Sevok-Rongpo New Board Gauge Railway Line.

Sir,

I am directed to refer to State Govt. letter No.177-For/O/L/10T-02/14 dated 27.01.2014, No.638-For/O/L/10T/14 dated 25.03.2014 and No.2227-For/O/L/10T-02/14 dated 14.07.2017 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest(Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Forest Advisory Committee meeting held on 22/23.09.2014 and Regional Empowered Committee meeting held on 17.11.2017, the Ministry of Environment, Forest & Climate Change hereby conveys 'in-principle' approval for diversion of 86.6255 ha (18.604 ha in Darjeeling Forest Division + 12.3436 ha in Kurseong Forest Division + 8.8489 ha in Wildlife-I Division + 46.829 ha under Kalimpong Forest Division) of forest land in favour of the North Frontier Railway, Jalpaiguri for construction of Sevok-Rongpo New Board Gauge Railway Line, subject to the fulfillment of the following conditions.

- (i) Legal status of forest land proposed for diversion shall remain unchanged.
- (ii) The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be diverted under this proposal from the user agency as per the Orders of Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard. While conveying the compliance of this condition, mention be made of the Eco-class and density of forest for which NPV has been charged.
- (iii) At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- (iv) If the Compensatory afforestation has to be raised on degraded forest land (DFL) twice in extent of forest land to be diverted is identified for C.A. as provided in para 3.2 (vi), 3.2(vii) and 3.2 (ix), then normally, 1000 samplings will be planted per ha of the diverted land. In case 1000 saplings cannot be accommodated per ha in the DFL identified for C.A., the balance seedlings will be planted in any RF/PF as per prescription of working plan. The State Govt. will intimate names of the RFs/PFs in which the balance seedlings will be planted. The user agency will deposit the cost of the plantation of the same.

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- (v) The compensatory afforestation may also include several activities like soil & moisture conservation, regeneration cleaning, silvicultural activities in addition to plantation as prescribed in the working plan as applicable. Compensatory afforestation schemes under Assisted Natural Regeneration models as applicable to the identified non-forest land (NFL) as well as degraded forest land (DFL) may be considered as per the site requirement.
- (vi) State Govt. will formulate compensatory afforestation scheme including activities like soil & moisture conservation, regeneration cleaning, silvicultural activities and ensure maintenance of these plantation for a period of seven to ten years as per requirement.
- (vii) All the funds received from the user agency under the project shall be transferred through e-portal to the Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned.
- (viii) The user agency shall obtain the Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if required.
- (ix) The boundary of the forest land proposed to be diverted shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, distance from adjoining pillars etc. As per Ministry's letter No.13-20/2015-CAMPA dated 09.06.2016, the cost of expenditure like boundary walls, stone pillars, demarcation charges, charges for felling of trees and their transportation to depots shall be deposited with DFOs concerned and the work should be undertaken departmentally in order to ensure that the task of erection of boundary walls, stone pillars, demarcation charges etc. are undertaken faithfully and in the best interests of the forests before the diversion and handing over of the forest land takes place. The work on these items should be completed within 6 months from the grant of final approval to diversion of forest land. The State Govt./user agency shall submit DGPS map along with soft copy in shape file before Stage-II approval.
- (x) The State Forest Department/User Agency shall submit the surveyed sketch of 173.251 ha of degraded forest land proposed for CA, giving the forward and backward bearing of each demarcation pillar and distance between them. The State Forest Department/User Agency shall submit the DGPS map along with soft copy in shape file of each demarcated pillar giving the latitude and the longitude before Stage-II approval.
- (xi) The State Forest Department/User Agency shall comply with the conditions stipulated by the Standing Committee of NBWL vide letter No.6-48/2015-WL (34th Meeting) dated 30.06.2015.
- (xii) The designing of bridge, if any, over the natural streams/ rivers/canals should 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.
- (xiii) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- (xiv) No labour camp shall be allowed in the forest area.
- (xv) The user agency shall provide LPG or alternate fuel, to labourers working at the site to avoid damage/tree felling and pressure on the nearby forest areas.
- (xvi) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.




- (xvii) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other user agency, department or person without prior approval of Ministry of Environment, Forest & Climate Change.
- (xviii) The layout plan of the proposed forest land shall not be changed without prior approval of Ministry of Environment, Forest & Climate Change.
- (xix) No damage to the flora and fauna of the adjoining area shall be caused.
- (xx) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department.
- (xxi) No quarry shall be established in the forest area without prior permission.
- (xxii) The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed.
- (xxiii) Overburden shall not be dumped outside the width of the Railway line. The muck generated in the earth cutting will be disposed off at the designated dumping sites and in no case the muck/debris shall be allowed to roll down the hill slopes.
- (xxiv) The user agency will provide retaining walls, breast wall and drainage as per requirement to make the slope stable.
- (xxv) The user agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
- (xxvi) The user agency will assist the State Govt. in preservation of flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State. Attention will be particularly given to providing safe crossing and corridors for wildlife species protecting sensitive habitat like wetlands, grasslands and woodlands from degradation.
- (xxvii) All other conditions proposed by the State Govt. at the time of submission of the proposal to the Central Govt. shall be complied with by the user agency.
- (xxviii) Rehabilitation of project affected families, if any, shall be done as per the National Rehabilitation policy/State Rehabilitation policy whichever is better in consultation with the State Forest Department at the cost of user agency.
- (xxix) All other conditions under different rules, regulations and guidelines including environmental clearance shall be complied with before transfer of forest land.
- (xxx) The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No.11-9/1998-FC (pt.) dated 03.08.2009 read with letter No.11-9/1998-FC (pt.) dated 05.02.2013 and 05.07.2013, in support thereof. As per recommendation of REC based on the direction of Ministry vide letter No.7-20/2017-ROHQ dated 07.11.2017, FRA certificate shall be provided by the user agency before issue of Stage-II forest clearance to this proposal.

(xxxi) Any other conditions that the Ministry of Environment, Forest & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, which shall be complied by the user agency.

(xxxii) The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

3. After receipt of the report on compliance to the conditions stipulated above, from the State Government of West Bengal, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. **Transfer of forest land to user agency should not be effected by the State Government of West Bengal till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change.** However, the State Govt., if it so desires, may allow the user agency for commencement of work as per Ministry guideline issued vide letter No.11-306/2014-FC (pt.) dated 28.08.2015.


Yours faithfully,


(S. Mohapatra)

Conservator of Forests (Central)

Copy to:-

1. The Director, ROHQ, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. The Principal Chief Conservator of Forests, Aranya Bhawan, LA-10A, Sector-III, 4th to 6th Floor, Salt Lake City, Kolkata – 700 098.
3. The Dy. Chief Engineer/COM, North Frontier Railway, New Jalpaiguri, West Bengal.
4. Guard File.


Conservator of Forests (Central)