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GOVERNMENT OF SIKKIM
OFFICE OF THE CF-cum-NODAL OFFICER (FCA)
FORESTS AND ENVIRONMENT DEPARTMENT
FOREST SECRETARIAT, DEORALI, GANGTOK-737 102

Ref. No. 1851/FCA/FEWMD/88-91

Dated: 9/12/2020

To,

The Addl. Chief Engineer,
Energy & Power Department,
Government of Sikkim, Gangtok.

PCCF & P-Secretary
Govt of Sikkim

Sub : Proposal for diversion of 0.7686 Ha of Forest Land for laying of 66 KV Single Circuit Namchi to New Namchi Transmission Line in South District of Sikkim by Energy & Power Department, Govt. of Sikkim - In Principle approval reg.

Sir,

The Ministry of Environment, Forest & Climate Change, Government of India, has accorded its Stage - I (In-Principle) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.7686 Ha of Forest Land for laying of 66 KV Single Circuit Namchi to New Namchi Transmission Line in South District of Sikkim by Energy & Power Department, Govt. of Sikkim, subject to fulfillment of conditions as stipulated in the approval letter No. 3 SK B 046/2020-SHI/2580-81 dated 25th November 2020 (copy enclosed), which are as follows :-

A. Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

- (1) The User Agency shall transfer online, the Net Present Value [Rs. 6,49,467.00 (Rupees six lakhs forty nine thousand four hundred and sixty seven) only] of the forest land being diverted under this proposal as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 & 09.05.2008 in IA NO. 566 in WP (C) No. 202/1995 and the guideline issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into the CAMPA account of the State concerned.
- (2) The User Agency shall transfer [Rs. 23,17,771.00 (Rupees twenty three lakhs seventeen thousand seven hundred and seventy one) only] the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of the concerned State through online portal. The Scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- (3) As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- (4) All the funds received from the user agency under the project shall be transferred/ deposited in CAMPA account only through e-portal (<https://parivesh.nic.in>). Account deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- (5) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in>).

- (6) The complete compliance of the FRA 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 - (7) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates.
 - (8) The expenditure like boundary walls, stone pillars, and demarcation charges cost of damage of trees the fund on these accounts should be deposited with DFO concerned.
 - (9) The expenditure like felling, logging and transportation of project affected trees [Rs. 9,52,772.00 (Rupees nine lakhs fifty two thousand seven hundred and seventy two) only] should be collected from the user agency at the rates approved by the State Govt. and deposited with the DFO concerned for utilization immediately following the diversion of the forest land.
 - (10) Violation of any these conditions will amount to violation of Forest (Conservation) Act, 1980 and the action would be taken as prescribed in para 1.21 of chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by the Ministry letter No. 5-2/2017-FC dated 28.03.2019.
- B. Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted to Stage-II approval.**
- (1) Legal status of the forest land shall remain unchanged.
 - (2) Compensatory Afforestation shall be raised over double the area diverted i.e. 1.60 ha degraded forest land indentifies at Tendong RF under Namchi Range in South District at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - (3) At the time of payment of Net Present Value (NPV) for at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined as per final decision of the Hon'ble Supreme Court of India.
 - (4) The User Agency shall restrict the felling of trees to minimum number in the diverted forest land the trees shall be felled under the strict supervision of the State Forest Department and the cost of the felling of trees shall be deposited by the user agency with the State Forest Department
 - (5) The User Agency shall deposited [Rs. 87,203.00 (Rupees eighty seven thousand two hundred and three) only] for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line for execution of the said scheme to the State Forest Department.
 - (6) The User Agency at its cost shall provide bird deflectors, which are to be fixed on Upper conductor of transmission line at suitable intervals to avoid birds hits.
 - (7) The User Agency shall comply with the guidelines for laying transmission through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014.

- (8) The User Agency shall obtain the Environment Clearance under Environment (Protection) Act, 1986, if applicable.
- (9) The layout of the proposal shall not be changed without the prior approval of the Central Government.
- (10) No labour camp shall be established on the forest land.
- (11) Sufficient Firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourers after purchasing the same from the State Forest Department of the Forest development corporation or any other legal source of alternate fuel.
- (12) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (13) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the User Agency or the project life, whichever is less.
- (14) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (15) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
- (16) Any other condition that the North Eastern Regional Office, Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

Therefore, you are requested, to fulfill the above conditions and submit the compliance report at the earliest for onward submission to the MoEF&CC, Government of India for seeking Final Approval under Section 2(ii) of Forest (Conservation) Act, 1980.

"Diversion of forest land shall not be effected till the final approval to the proposal is granted by the Central Government." Demand Note in respect of Conditions No. A (1), (2) & (9) and B (5) are also enclosed for realization of payment.

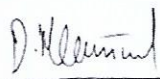
Yours sincerely,

*Sd/- (D. Manjunathan, IFS),
CF-cum-Nodal Officer (FCA)*

Copy to:-

1. Secretary, Forest Department
2. Conservator of Forest (T), Gangtok
3. DFO (South Territorial)
4. ✓ File

: For information, please.
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: For information & follow up action.



(D. Manjunathan, IFS),
CF-cum-Nodal Officer (FCA)