

सत्यमेव जयते

भारत सरकार/Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय, कोलकाता/ Integrated Regional Office, Kolkata
IB-198, Sector – III, Salt Lake City, Kolkata-700106
Phone-033-2335-5713/7938, Fax-2335-5904, E-mail: iro.kolkata-mefcc@gov.in



No.SK/ROAD-58/2021/FC/324

Date: 26th July 2022

To,

The Addl. Chief Secretary-cum-PCCF,
Forests and Environment Department,
Government of Sikkim,
Forest Secretariat, Deorali,
Gangtok – 737102.

Sub: Final (Stage-II) approval of Central Government under Forest (Conservation) Act 1980 for proposed diversion of 2.6808 ha forest land in favour NHIDCL for construction of 2-lane specification road with Paved shoulder as re-alignment of existing stretch between Legship to Gyalshing of NH-510 (from Km 75.00 to Km 90.21, Package -VI) in Gyalshing district of Sikkim- reg

Sir,

This refers to Sikkim Govt. letter No.1956/FCA/FE&ED/648 dated 12.08.2021, wherein prior approval of Ministry of Environment, Forest and Climate Change for diversion of 2.6808 ha forest land in favour NHIDCL for construction of 2-lane specification road with Paved shoulder as re-alignment of existing stretch between Legship to Gyalshing of NH-510 (from Km 75.00 to Km 90.21, Package -VI) in Gyalshing district of Sikkim, was sought in accordance with Section-2 of the Forest (Conservation) Act, 1980. After due consideration of the proposal of the State Government, the 'in-principle' approval of the Central Government for diversion of the said forest land was accorded vide Ministry's letter of even number dated 29.09.2021 & 7.04.2022 subject to fulfillment of certain conditions. The State Government of Sikkim vide their letter No.1956/FCA/F&ED/367 dated 5.07.2022 has furnished compliance report in respect of the relevant conditions stipulated in the in-principle approval for grant of final approval.

In this connection, on the basis of the compliance report under reference, the **final approval** of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 is hereby accorded for diversion of 2.6808 ha forest land in favour NHIDCL for construction of 2-lane specification road with Paved shoulder as re-alignment of existing stretch between Legship to Gyalshing of NH-510 (from Km 75.00 to Km 90.21, Package -VI) in Gyalshing district of Sikkim, subject to the following conditions and stipulations: -

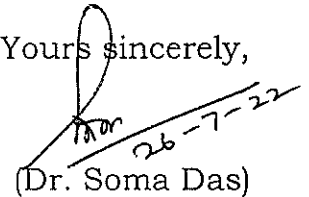
(1) Legal status of the forest land diverted shall remain unchanged.

- (2) **Compensatory afforestation:** Compensatory afforestation shall be taken up by the Forest Department over 5.5 ha. degraded forest land (Location – Nambu RF, Birpung, Gyalshing Range under West territorial Forest Division) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
- (3) **The KML files of the area to be diverted and the CA area shall be uploaded on the e-Green watch portal before issue of final approval by the State Government of Sikkim.**
- (4) The State Government shall ensure that compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by the MoEF&CC, GoI in this regard.
- (5) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officers.
- (6) The State Government shall raise strip plantation on both sides of the road as per the norms at the cost provided by the User Agency.
- (7) The layout plan of the proposed diversion of the forest land shall not be changed without prior approval of Ministry of Environment, Forest and Climate Change.
- (8) a) No labour camp shall be established inside the forest land.
b) The User Agency shall provide alternate fuels preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
c) No additional or new path will be constructed inside the forest area for any activity related to the project work.
d) Earth or any other material shall not be brought from and debris resulting during construction shall not be disposed of in the adjoining forest area by the user agency.
e) All the natural streams and water bodies in surrounding area shall be protected.
f) The user agency shall take necessary mitigative measures to prevent soil erosion in the area.
- (9) a) The diverted forest land shall not be used for any purpose other than that specified in the project proposal.
b) The period of diversion under this approval shall be co-terminus with the period of the project life.
c) The diverted forest land shall under no circumstances be transferred to any other agencies, department, or person without prior approval of the Ministry of Environment, Forest and Climate Change.

- (10) The User Agency and the State Government shall ensure compliance to provisions of all the Acts, Rules, Regulations, Guidelines, Hon'ble Court Order(s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time in force, as applicable to the project.
- (11) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
- (12) Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests and wildlife.

As has been mentioned at Para-2 of the Stage-II approval, this approval for diversion of forest land is subject to the fulfillment of stipulated conditions mentioned in this approval letter. Therefore, in the event of non-compliance of any of the conditions laid out in this approval letter, the Integrated Regional Office of the Ministry of Environment, Forest & Climate Change may withdraw the said approval for diversion of the forest land and stop the non-forest activity being carried out in the forest land besides initiating the legal action as per provisions of Forest (Conservation) Act, 1980.

Yours sincerely,


26-7-22

(Dr. Soma Das)

Inspector General of Forests (C)

Copy to:-

1. The DIGF (ROHQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110 003.
2. APCCF-Cum-Nodal Officer (FCA), Forest & Environment Department, Government of Sikkim, Forest Secretariat, Deorali, Gantok - 737102.
3. The Divisional Forest Officer, West Territorial Forest Division, Sikkim.
4. The General Manager, NHIDCL, 8th Mile Gyalshing, Near SSB Camp, Gyalshing - 737111.
5. Guard File.

/

Inspector General of Forests (C)