



GOVERNMENT OF SIKKIM
OFFICE OF THE SECRETARY
FORESTS AND ENVIRONMENT DEPARTMENT
FOREST SECRETARIAT, DEORALI, GANGTOK-737 102[E-mail ID:fcasikkim@gmail.com]

Ref. No. 1882/FCA/F&ED/.....108

Dated: 27/11/2021

To,

✓ The PCE-cum-Secretary,
Roads & Bridges Department,
Government of Sikkim,
Gangtok.

Sub : Proposal for diversion of 0.22 Ha of Forest Land for construction of road from Sudesh Golai to Dorak via Red Panda Gate Hee Patal in West District of Sikkim by Roads & Bridges Department, Govt. of Sikkim - In Principle approval- reg.

Sir,

Reference your proposal No. **FP/SK/ROAD/45228/2020** received through on-line/off line mode and after careful examination of your proposal, the State Govt. is hereby pleased to accord the **Stage-I (In-Principle) Approval**, in terms of the General approval as conveyed by the Ministry of Environment, Forests & Climate Change, Govt of India, New Delhi under Section 2 of Forest (Conservation) Act 1980 [vide letter No.F.No.11-9/98 FC, dated 03/01/2005 and subsequently under Chapter 4 para 4.3 clause 'k' of Forest (Conservation) Rules 2003, for **diversion of 0.22 Ha of Forest Land for construction of road from Sudesh Golai to Dorak via Red Panda Gate Hee Patal in West District of Sikkim by Roads & Bridges Department, Govt. of Sikkim**, subject to fulfillment of following conditions :-

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 [Rs. **89,372.00** (Rupees eighty nine thousand three hundred seventy two) 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.
- (2) The User Agency shall transfer online, the Net Present Value [Rs. **1,97,340.00** (Rupees one lakh ninety seven thousand three hundred and forty) 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.
- (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 charges for felling, logging and transportation of project affected trees for **Rs. 1,94,732.00** (Rupees one lakh ninety four thousand seven hundred and thirty two) only shall be paid by the User Agency separately in favour of the Secretary, Forests & Environment Department, Govt of Sikkim, Gangtok. at the rates approved by the State Govt. or deposit the same in Saving Account No. 122810031282 IFSC Code No. BKDNO911228 in Dena Bank, Gangtok Branch.
- (10) The User Agency shall identify muck disposal site within private land and prepare Muck Disposal Management plan to be approved/agreed by the State Govt. for the aforesaid project proposal if required.
- (11) 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 (Avenue Plantation) shall be raised 1 Km in degraded forest land identified at Road Reserve Hee Patal-Chayatal PMGSY road under Dentam Range, West (T) Division at the cost of the user agency.
- (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 obtain the Environment Clearance under Environment (Protection) Act, 1986, if applicable.
- (6) The layout of the proposal shall not be changed without the prior approval of the State/Central Government.
- (7) No labour camp shall be established on the forest land.

- (8) 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.
- (9) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (10) 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.
- (11) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (12) 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.
- (13) Any other condition that the State forest Department/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 seeking the Final Approval under General Approval under the Forest (Conservation) Act, 1980 and Forest (Conservation) Rules, 2003.

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

The IPA is issued within the delegated powers of the State Govt. as conveyed by the Ministry of Environment Forests & Climate Change, Govt. of India with the Guidelines, referred to above.

Yours faithfully,



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