



GOVERNMENT OF SIKKIM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS-cum-PRINCIPAL SECRETARY
FORESTS, ENVIRONMENT & WILDLIFE MANAGEMENT DEPARTMENT
Forest Secretariat, Deorali – Gangtok, (SIKKIM) Pin 737 102,
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Ref. No. 1546/FCA/FEWMD/811-816

Dated 29/3/2017

To,

✓ The Chief Engineer
Project Swastik, HQ
Border Road Organization
C/o 99 APO.

Subject: Proposal for diversion of 7.9661 Ha of Forest Land for improvement of Dikchu – Sangkalang Road and construction of major permanent bridges in North District by 107 RCC GREF(BRO)

Sir,

Reference your proposal [No. FP/SK/ROAD/11753/2015] received through on-line/off line mode and subsequent clarification made by you vide Letter No.241/D-S/Impvt/36/E2 dated the 28th Jan 2017 to the effect that project proposal is falling within 100 km aerial distance from the LAC of Indo-China border, for seeking the prior approval of Central Govt under the provision of Forest (Conservation) Act 1980.

After careful examination of your proposal on the basis of Rules/Guidelines framed under the Forest (Conservation) Act 1980, the State Govt is pleased to accord the **Stage-I (In-Principle) approval** in terms of 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 with the Guidelines vide Letter No.11-246/2014-FC dated the 4th July 2014 for diversion of forest land for construction and widening of two lane roads by the BRO and other road construction agencies entrusted with the jobs by the Ministry of Defence in the area falling within 100 km aerial distance from the Line of Actual Control (LAC), for diversion of 7.9661 Ha of Forest Land for improvement of Dikchu – Sangkalang Road and construction of major permanent bridges in North District by 107 RCC GREF (BRO) subject to fulfilment of following conditions:-

- (1) The legal status of forest land to be diverted under the project shall remain unchanged as the case may be.
- (2) The User Agency shall transfer the cost of Rs. **1,10,22,000.00** (Rupees one crore ten lakhs and twenty two thousand) only towards the cost of the Compensatory Afforestation (Avenue Plantation) to be created over 18 Km in degraded forest land identified at Phidang to Barfok RF under Phodong Range in North (T) Division. A Demand Note in this respect is enclosed herewith for reference.

- (3) The User Agency shall released the Net Present Value (NPV) of the forest land to be diverted for project purposes for Rs. **55,68,000.00** (Rupees fifty five lakhs and sixty eight thousand) only as per the Judgement Orders of the Hon'ble Supreme Court of India dated 28-03-2008/09-05-2008 in IA No.566 Writ Petition (Civil) No. 202/1995 and the subsequent Guidelines communicated by this Ministry vide letter No. 5-3/2007-FC dated 05-02-2009 thereon. A Demand Note in this respect is enclosed herewith for reference.
- (4) The User Agency shall furnish an undertaking to pay the additional amount of the Net Present Value (NPV) of the diverted forest land, if any, at the time of making payment after finalization of revised NPV rates and effective date for its application by the Ministry.
- (5) The boundary of the forest land to be diverted under the project shall be demarcated on the ground by using DGPS and erecting four feet high reinforcement cement concrete pillars super inscribed with its serial number, back/front bearing from pillars to pillar.
- (6) All the above payment shall be remitted to the Corporation Bank, Lodhi Branch, Block No.11, CGO Complex Phase I, Lodhi Road, New Delhi 110003 maintained by the Ad-hoc CAMPA through "e-Payment" module. As per the Guideline communicated by the Ad-hoc CAMPA, MoEFCC, Govt. of India in its letter No. 12-2/2010-CAMPA dated 20th February'2017, the payment made other than through the "e-Payment " module shall not be taken into account for grant of the final clearance and/or working permission under the provisions of Forest (Conservation) Act, 1980. In case of any difficulty, the office of the Nodal Officer (FCA) may be consulted for any assistance in this respect.
- (7) The charges for felling, logging and transportation of project affected trees for Rs. **Rs. 4,08,000.00** (Rupees four lakhs and eight thousand) only, shall be paid by the User Agency separately and deposited with the State Forest Deptt. in favour of PCCF-cum-Pr. Secretary, Forests, Env. & WL Management Department, Govt. of Sikkim, for utilization immediately following the diversion of forest land.
- (8) The expenditure like boundary walls, stone pillars, demarcation charges, cost of damage of trees the funds on these account should, be deposited with the DFO concerned, shall be paid by the user agency for this purpose.
- (9) The felling of trees within the right of Way shall be done under the strict supervision of concerned DFO and pruning shall be resorted to within the Right of Way instead of felling.
- (10) The user Agency shall obtain the Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, before consideration of final approval, if required.
- (11) The user agency will have to obtain the Forest (Conservation) Act, 1980 clearance for stone, river sand, river boulder in forest land, if necessary.

- (12) As per Ministry's letter No.11-30/96-FC (Pt) dated 14.09.2001, if the compliance of stipulated conditions is awaited from the State Government for more than 5(five) years the in-principle approval would summarily be revoked considering that the user agency is no longer interested in the project.

After fulfilment of the above conditions in completeness, the User agency shall submit the **compliance report** for seeking the final approval of the State Govt under the said Act. Diversion of forest land shall not be effected till the final approval is granted by the State Govt in this respect.

This is issued with the approval 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, for the aforesaid project purposes of User agency. In case any difficulty arises for remittance of the payments, the Office of the Nodal Officer may be consulted.

Yours faithfully,



(B. S. Siktel, IFS)

CF-cum-Nodal Officer (FCA)

B.S. Siktel, IFS

CF-cum-Nodal Officer

Forest (Conservation)

Govt. of Sikkim

Copy to:-

- 1) The Addl Principal CCF (Central), MoEFCC, NERO, Shillong for information, please.
- 2) District Collector, North District, Mangan : for information
- 3) Conservator of Forests (Territorial) : -do-
- 4) DFO (T) North Division, Mangan : for information and follow up action accordingly.