

Part – V

(To be filled in by the Secretary in charge of Forest Department or by any other authorized Officer of the State Government not below the rank of an Under Secretary)

18. Recommendation of the State Government :

(Adverse comments made by any officer or authority in Part – B or Part-C or Part-D above should be specifically commented upon)

The proposal for diversion of 0.4047 Ha Forest Land for construction of road from Bhasmey PWD road to Chuwan Turning (Pacheykhani-Rorathang) via Kali Khola in Pakyong District of Sikkim by Roads & Bridges Department, Government of Sikkim, is accepted and recommended for forest clearance under Section 2 of Forest (Conservation) Act, 1980.

Signature :



Designation : Addl. Chief Secretary-cum-PCCF.

Date : 16.11.22

Place: Gangtok (Sikkim)

M.L. Srivastava, IPS
Addl. Chief Secretary
Forests & Environment

Official Seal Govt. of Sikkim



GOVERNMENT OF SIKKIM
OFFICE OF THE ADDL. CHIEF SECRETARY-cum-PCCF
FORESTS AND ENVIRONMENT DEPARTMENT
FOREST SECRETARIAT, DEORALI, GANGTOK-737 102
Email: fca.sikkim@gmail.com

Ref. No. 1998/FCA/F&ED/.....680.....

Dated ..09../..11../2022

To:

✓ The Inspector General of Forest-cum-Nodal Officer,
Integrated Regional Office,
Ministry of Env. Forests & Climate Change,
Government of India,
IB-198, Sector-III, Salt Lake City,
Kolkata -700106.

Sub: Proposal for diversion of 0.4047 Ha of forest land for construction of new road from Bhasmey PWD road to Chuwan Turning (Pachey-Rorathang road) via Kali khola in Pakyong district of Sikkim by Roads & Bridges Department, Govt. of Sikkim under Forest Conservation Act, 1980.

Proposal No. FP/SK/ROAD/151169/2022

Madam,

Please find, enclosed, herewith a proposal seeking forest clearance for **diversion of 0.4047 Ha of forest land for construction of new road from Bhasmey PWD road to Chuwan Turning (Pachey-Rorathang road) via Kali khola in Pakyong district of Sikkim by Roads & Bridges Department, Govt. of Sikkim.**

Brief Description:

The user agency has proposed **diversion of 0.4047 Ha of forest land for construction of new road from Bhasmey PWD road to Chuwan Turning (Pachey-Rorathang road) via Kali khola in Pakyong district of Sikkim by Roads & Bridges Department, Govt. of Sikkim** after obtaining the forest clearance under the provision of Forest (Conservation) Act, 1980.

The proposal has since been uploaded in the "OMFC" portal of the Ministry vide proposal No. **FP/SK/ROAD/151169/2022** and accordingly transferred to the level of MoEF, Integrated Eastern Regional Office at Kolkata through on-line mode.

Year of incorporation :
Area of business operation : **Chuwan Turning (Pachey-Rorathang road) via Kali khola**
Project Cost : 116.387 lakhs
Phase of construction :

2. **Details of forest land proposed for diversion** – The total land involved under the project are as follows:

Total Forest Land involved - 0.4047 Ha
Total Land involved - 0.4047 Ha

3. **Maps enclosed –**

The User Agency has furnished the following maps duly countersigned by the concerned Divisional Forest Officer: -

- (i) Map of the Survey of India of the proposed area for diversion - **(Annexure – I)**.
- (ii) Map showing the proposed site for Compensatory Afforestation **(Annexure –II)**.
- (iii) Aerial distance Certificate **(Annexure- III)**

4. **Assessment of forest stock –**

- (i) The forest area is situated under the Pakyong Territorial Division. The proposed project proposal affects **Trees/Poles** as per enumeration list enclosed **(Annexure – IV)**.

5. **Flora and Fauna and archaeological importance –**

The area does not form a part of National Park / Sanctuary or Biosphere Reserve, sample or preservation plot.

6. **Compensatory Afforestation -**

The Compensatory Afforestation shall be maintained over an area in degraded forest land identified as under:-

District	Forest Division	Range	Location	Block Plantation	Amount of CAS
Pakyong	Pakyong (T)	Pakyong (T)	Thekabong RF	1 Ha	Rs. 3,21,267.00
			Total	1 Ha	Rs. 3,21,267.00

The map showing the above identified forest land is enclosed at **Annexure –II** for reference.

The aforesaid degraded forest land is proposed to be brought under Afforestation programme as per the Compensatory Afforestation Scheme drawn by the Divisional Forest Officer, Pakyong Territorial Division, with financial outlay of **Rs. 3,21,267.00** (Rupees three lakhs twenty-one thousand two hundred sixty-seven) only **(Enclosed at Annexure V)**. The Compensatory Afforestation Scheme will be undertaken in the designated compact area identified by Pakyong Territorial Division of Sikkim.

The Divisional Forest Officer (T) Pakyong Division has given the certificate on suitability of degraded forest land for Compensatory Afforestation. (**Annexure –VI**). Accordingly, the User Agency has furnished an undertaking to deposit the amount of CA, NPV and additional NPV if any etc. (**Annexure – VII**), after Stage I clearance is granted by the Ministry in this respect. But no Penal Compensatory Afforestation has been imposed since no violation of the Act has been reported against.

7. **Displacement of human population** -
No human population will be displaced owing to the project.
8. **Environmental clearance** - N/A
9. **Cost-benefit analysis** - N/A
10. **Violation of Forest Conservation Act / India Forest Act** -
No violation of Forest (Conservation) Act is reported.
11. **Recommendations of the State Government** -

The Divisional Forest Officer (T) Pakyong Division and Conservator of Forest (Territorial), have recommended the proposal respectively. No adverse comment has been given by any officers on the proposal and it has been suitably commented upon by senior officers. The proposed diversion site does not form a part of National Park, Biosphere Reserve, sample plot or preservation plot.

Therefore, it is requested you to accord approval under Section – 2 (ii) of the Forest (Conservation) Act, 1980 for **diversion of 0.4047 Ha of forest land for construction of new road from Bhasmey PWD road to Chuwan Turning (Pachey-Rorathang road) via Kali khola in Pakyong district of Sikkim by Roads & Bridges Department, Govt. of Sikkim.**

Yours faithfully,


Pradeep Kumar, IFS
Additional PCCF
Forest Environment
Govt. of Sikkim
APCCF-cum-Nodal Officer (FCA)

Copy to:-

1. CF (T) Gangtok. : For information.
2. CF (WL). : For information.
3. PCE-cum-Secretary,
Road & Bridges Deptt.,
Govt. of Sikkim, Gangtok. : For information, please.
4. DFO (T), Pakyong Division. : For information.
5. File.

COMPENSATORY AFFORESTATION SCHEME

NAME OF PROJECT: Compensatory Afforestation in respect of diversion of 0.4047 ha of Forest land for the construction of Road from Bhasmey PWD road to Chuwan turning (Pachey Khani-Rorathang) via Kali Khola in Pakyong District of Sikkim, Government of Sikkim.

1. INTRODUCTION: Road & Bridges Department, Govt of Sikkim has proposed for diversion of 0.4047 ha of forest land for the construction of Road from Bhasmey PWD road to Chuwan turning (Pachey Khani-Rorathang) via Kali Khola in Pakyong District of Sikkim, Government of Sikkim.

The Ministry of Environment & Forest, Govt. of India has prescribed the following guidelines

For diversion:

- i. In all cases the legal status of forest land shall remain unchanged.
- ii. User agency would have to pay the cost of compensatory afforestation to the State Forest Department.

2. SELECTION OF SITE/LOCATION FOR COMPENSATORY AFFORESTATION

Sl no	Location	Range	Compensatory Afforestation (in Ha)	Nos of seedlings to be planted	SMC	Division	Remarks
1	Thekabong RF	Pakyong (T)	1.0 Ha	1100 No	1 Ha	Pakyong (T) Division	Compensatory Afforestation will be taken up at Thekabong RF under Pakyong (T) Range.

3. INTEGRATED PROGRAMME / METHODOLOGY OF WORK EXECUTION

- i. **Seedling Requirement:** The requirement of seedlings may be met from the existing Nurseries of the Department on payment basis as per the approved rates. The existing nurseries will have to be provided with the seeds of mixed species including the cost of nursery implements used.
- ii. **Choice of species:** Mixed plantation of site-specific species indigenous fruit bearing and timber able species namely, *Alnus nepalensis*, *Betula alnoides*, *Michelia excels*, *Magnolia lanuginosa*, *Quercus spp*, *Schima wallichii*, *Choero spondias axillaris*, , etc.
- iii. **Executing Agency:** the works under the Scheme shall be executed by the of Forest and Environment Department, Government of Sikkim through East Territorial Division and Forest (Conservation) Act, 1980 Cell as per the approval of the Government.

- iv. **Monitoring and Evaluation:** all the activities under the Scheme may be monitored by a committee constituted for the purpose, Nodal Officer, Forest (Conservation) Act, 1980 and the representative from Ministry of Environment and Forests, Government of India concurrently and regularly.

4. Revised Cost structure & financial Forecast:

(A) Block Plantation (Artificial Regeneration)

Sl.No	Particular	Area(ha)	Rate	Amount
(i) (a)	Cost of Block Plantation (including casualty replacement and weeding during the planting year)	1	62,201	62,201
(b)	Carriage of Seedling	1	3,500	3,500
(c)	Soil and Moisture Conservation work through vegetative measure	1	90,248	90,248
Sub-total-A				1,55,949

(B) Maintenance for 10 years

Sl.No.	Particulars	Area(ha)	Rate(Rs./Ha)		Amount (In rupees)
1	1st year maintenance (two weeding)	1	2	17,944	35,888
2	2nd year maintenance (two weeding)	1	2	13,645	27,290
3	3rd year maintenance (two weeding)	1	2	13,645	27,290
4	4th year maintenance (one weeding)	1	1	7,267	7,267
5	5th year maintenance (one weeding)	1	1	7,267	7,267
6	6th year maintenance (one weeding)	1	1	7,267	7,267
7	7th year maintenance (one weeding)	1	1	5,303	5,303
8	8th year maintenance (one weeding)	1	1	5,303	5,303
9	9th year maintenance (one weeding)	1	1	5,303	5,303
10	10th year maintenance (one weeding)	1	1	5,303	5,303
Sub-total-B					1,33,481
Sub-total-(A+B)					2,89,430

(C) Over Head/monitoring & Evaluation/Contingencies

Sl.No	Particular	Area(ha)	Rate	Amount
1	Maintenance of Vehicle, unforeseen exp. Furnishing of FCA Cell pertain to NTD preparation of Journal etc @ 5 %	5%	2,89,430	14,472
2	Monitoring & evaluation Inspection of works by Senior officers of the Department of Forest @ 2% of the total cost.	2%	2,89,430	5,789

3	Contingencies Cost of escalation supplementary works and other unforeseen expenditure @ 4% of the total cost.	4%	2,89,430	11,577
Sub-total-C				31,837
Grand Total (A+B+C)				3,21,267

(Rupees three lakhs twenty one thousand two hundred sixty seven) only

The above proposal is based on the SOR-2018, duly incorporating the revised minimum rate of daily wages issued vide Govt. of Sikkim Notification No. 29/DL dated 14.09.2022.

The above amount shall be paid and transferred by the User Agency to the Department of Forests, Environment and Wildlife Management, Government of Sikkim, for the implementation of the scheme against the project.


(Blen Tsh. Targain, SFS)
Joint Director (FCA)


(Jigme Tsewang Sharngoe, SFS)
Divisional Forests Officer (FCA),

Blen T. Targain, SFS
Joint Director of Forests
(FCA CELL)
Forests and Environment Department
Government of Sikkim

Jigme T. Sharngoe
Divisional Forest Officer (FCA)
Deptt. of Forests & Env.
Govt. of Sikkim


Technical sanction/approval is
accorded to the estimate for
Compensatory Afforestation
Scheme of Rs... 3,21,267 /-

BILL FOR NET PRESENT VALUE (N P V) OF THE PROPOSED FOREST LAND DIVERSION FOR NON-FORESTRY PURPOSE UNDER FCA- 1980

A	Name of the project	:	Diversion of 0.4047 ha of forest land for construction of Road from Bhasmey PWD road to Chuwan Turning (PacheyKhani-Rorathang) via Kali Khola in Pakyong District of Sikkim, Government of Sikkim.
B	User Agency	:	Road & Bridges Department
C	Area proposed for diversion	:	0.4047 Ha
D	Eco - Class-V (Open)	:	Consisting of Sub-tropical Broad-Leaved Hill Forests, Sub-Tropical Pine Forests and Sub Tropical Dry Evergreen Forests.
E	NPV for the forest land per hahaving the above eco class as perthe Hon'ble Supreme Court Order dated 28.3.2008 06.01.2022.	:	Rs.10,052,10 for Eco Class V.
F	Therefore, NPV for 0.4047 hectare of forest land.	:	Rs.10,052,10 lakhs x 0.4047 ha.
	GRAND TOTAL		Rs.4,068,08/-

(Rupees Four lakhs sixty-eight thousand eight) only.

Divisional Forest Officer (T)
Pakyong Territorial Division
Smita Shilal
Divisional Forest Officer
Pakyong Territorial Division
Forest & Environment Deptt
Govt. of Sikkim

Assistant Conservator of Forest
Gangtok Territorial Division
Assistant Conservator of Forest
East Territorial Division
Deptt. of Forests & Environment
Govt. of Sikkim

Annexure – I
FORM – I
(for linear projects)
Government of Sikkim

Office of the District Collector, East District, Gangtok

No. 1859/DC/AGC

Dated:

04/04/2022

TO WHOSOEVER IT MAY CONCERN

In compliance of the Ministry of Environment and Forests (MoEF), Government of India's letter no.11-9/98-FC (pt.) dated 3/8/2009 wherein the MoEF issued guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Schedules Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ('FRA', for short) on the forestland proposed to be diverted for non-forest purposes read with MoEF's letter dated 5/2/2013 wherein MoEF issued certain relaxation in respect of linear projects, it is certified that **0.4047 ha** of forest land proposed to be diverted in favour of **Road & Bridges Department** (name of user agency) for diversion of 0.4047 ha for construction of Road from Bhasmey PWD road to Chuwan Turning (PacheyKhani-Rorathang) via Kali Khola in Pakyong District of Sikkim. Purpose for diversion of forest land) in **East** district falls within jurisdiction of **Bhasmey PWD road to Chuwan Turning(PacheyKhani-Rorathang)** in **Pakyong** tehsils.

It is further certified that:-

- a. The complete process for identification and settlement of rights under the FRA has been carried out for the **0.4047** hectare of forest areas proposed for diversion. A copy of records of all consultations and meetings of the Forest Rights Committee (s), Gram Sabha (s), Sub-Division Level Committee (s) and the District Level Committee are enclosed as annexure to annexure
- b. The diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA have been completed and the Gram Sabha given their consent to it.

The proposal does not involve recognised rights of Primitive Tribal Groups and Pre-Agricultural communities.

Encl:-As above.


District Collector
East District
Gangtok

(Full name and official seal of the District Collector)

**JOINT CERTIFICATE FOR NON-AVAILABILITY OF NON-FOREST LAND FOR COMPENSATORY
AFFORESTATION**

This is to certify that non-forest lands are not available under the Territorial jurisdiction of East District/Forest Division for Compensatory Afforestation to be raised in lieu of Forest land to be diverted for the non-forestry purposes of User Agency, mentioned below:-

(a). Name of Proposal with location: - **Diversion of 0.4047ha of forest land for construction of Road from Bhasmey PWD road to Chuwan Turning(PacheyKhani-Rorathang) via Kali Khola in Pakyong District of Sikkim , Government of Sikkim.**

(b). Name of User Agency: - **Roads & Bridges Department.**

(c). Area of Forest land to be diverted: **0.4047ha.**

The geographical area of East District of Sikkim is 95400 hectares while the Forest land has been recorded to the extent of 61952 hectares only, which is found to be more than 50% of the geographical area of the district as per the FSI Report.

The Joint Certificate is granted as per the Rules & Guidelines Para 3.2 (v) of Forest (Conservation) Rules 2003 – Guidelines & Clarification and recent Guidelines received from the Ministry of Environment and Forests, Government of India in connection with the diversion of Non Forest land for non-forestry purposes under the Forest (Conservation) Act, 1980-Non availability of forest land for creation of Compensatory Afforestationvide letter no.11-423/2011-FC dated the 13th February 2012.

Signature &
Seal: - Divisional Forest Officer (T)

Smita Shilal
Divisional Forest Officer
Pakyong Territorial Division
Forest & Environment Deptt
Govt. of Sikkim

Signature &
Seal: - District Collector



GOVERNMENT OF SIKKIM
OFFICE OF THE CHIEF SECRETARY
GANGTOK – 737101

Ref No: 1998/CS/GOS/...56.....

Date 21 / 06 / 2022.

Proposal for diversion of 0.4047 Ha Forest Land for construction of road from Bhasmey PWD road to Chuwan Turning (Pacheykhani-Rorathang) via Kali Khola in Pakyong District of Sikkim by PWD, Roads & Bridges Department, Government of Sikkim.

Certificate for Non-availability of Non-Forest Land for Compensatory Afforestation.

I, S.C. Gupta, IAS, Chief Secretary, Govt. of Sikkim, do hereby certify that :

- (i) I have obtained from each District Collector and Divisional Forest Officer in the State of Sikkim, a joint certificate to the effect that non-forest land, revenue lands, *zudpi jungle*, *chhote jhar ka jungle*, *bade jhar ka jungle*, *jungle-jhari land*, *civil-soyam lands* and all other such categories of forest lands (except the forest land under management and administrative control of the Forest Department) on which the provisions of Forest (Conservation) Act, 1980 are applicable, which as per the extant guidelines of the Central Government may be utilized for creation of compensatory afforestation in lieu of forest land diverted for non-forest purpose, are not available in the area under their respective jurisdiction; and
- (ii) I have also examined all other relevant records.

On the basis of afore-mentioned joint certificates and examination of all other relevant records, I do hereby certify that non-forest land, revenue lands, *zudpi jungle*, *chhote jhar ka jungle*, *bade jhar ka jungle*, *jungle-jhari land*, *civil-soyam lands* and all other such categories of forest lands (except the forest land under management and administrative control of the Forest Department) on which the provisions of Forest (Conservation) Act, 1980 are applicable, which as per the extant guidelines of the Central Government may be utilized for creation of compensatory afforestation in lieu of forest land diverted for non-forest purpose, are not available in the entire State of Sikkim.

Issued under by hand and seal on this 21st Day of June 2022.

(S.C. Gupta, IAS)
Chief Secretary,
Govt. of Sikkim.

S. C. Gupta, IAS
Chief Secretary
Govt. of Sikkim