



GOVERNMENT OF SIKKIM
OFFICE OF THE PCCF-cum-PRINCIPAL SECRETARY
FORESTS, ENVIRONMENT & WILDLIFE MANAGEMENT DEPARTMENT

FOREST SECRETARIAT, DEORALI, GANGTOK-737 102

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Ref. No. 1558/FCA/FEWMD/.....429

Dated: 19/09/2016.

To,

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

Sub : Proposal for diversion of 0.702 ha of forest land for construction of road from Chemchey to Upper Wok via Lachithang in South District of Sikkim by Roads & Bridges Department, Govt. of Sikkim.

Sir,

Reference your proposal No. FP/SK/ROAD/18153/2016 dated 02.03.2016, regarding the project proposal cited above.

After careful consideration of the proposal, the State Govt. on behalf of the Central Government, hereby conveys its "In-Principle" approval **under General Approval under Section 2 of the Forest (Conservation) Act, 1980**, already conveyed by the Ministry of Environment, Forests & Climate Change, Government of India under Section 2 of the Forest (Conservation) Act, 1980 [vide MoEF's earlier guidelines letter F.No.11-9/98-FC dated 03/01/2005 and No.11-9/98-FC dated 13/02/2014 in this respect], for **diversion of 0.702 ha of forest land for construction of road from Chemchey to Upper Wok via Lachithang in South District of Sikkim by Roads & Bridges Department, Govt. of Sikkim**, subject to fulfillment of the following conditions :-


- (1) The User Agency shall transfer the cost of Rs. **19,86,944.00** (Rupees nineteen lakhs ~~sixty~~ ^{Eighty} thousand nine hundred and forty four) only for Compensatory Afforestation over the degraded forest land double in extent to the area of forest land proposed to be diverted (i.e.1.40 Ha) identified at Wok RF of Namchi Range in South (T) Division, to the Adhoc CAMPA through State Forest Department.
- (2) The State Government shall charge Rs. **5,91,500.00** (Rupees five lakhs ninety one thousand and five hundred) only for Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the Order of the Hon'ble Supreme Court of India dated 28/03/2008 and 09/05/2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide letter No. 5-3/2007-FC dated 05/02/2009 in this regard.
- (3) At the time of payment of the Net present Value (NPV) at the present rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per final decision of the same by Hon'ble Supreme Court of India.

- (4) All the funds received from the User Agency under the project, except the funds realized for regeneration/demarcation of safety zone, shall be transferred to Compensatory Afforestation Fund Management and Planning Authority (CAMPA) in the Saving Bank Account pertaining to the State concerned;
- (5) The boundary of the forest land being diverted shall be demarcated on the ground by erecting four feet high reinforcement cement concrete pillars each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from pillar to pillar. The photograph of above is needed to be enclosed in compliance report.
- (6) The charges for felling, logging and transportation of project affected trees for **Rs. 2,14,552.00** (Rupees two lakhs fourteen thousand five hundred fifty two) only, shall be paid by the User Agency separately and deposited with the State Forest Deptt. for utilization immediately following the diversion of forest land.
- (7) The expenditure like boundary walls, stone pillars, demarcation charges, cost of damage of trees the funds on these account should, be deposited with the Department.
- (8) 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.
- (9) The user agency will have to obtain the Forest (Conservation) Act, 1980 clearance for stone, river sand, river boulder in forest land, if necessary.
- (10) 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 fulfillment of the above conditions in completeness, the User agency shall submit the **compliance report** for seeking the final approval under the said Act for the aforesaid project purposes. Diversion of forest land shall not be executed till the final approval is conveyed by the State Govt in this respect.

This issue is initiated within the delegated powers of the State Govt as conveyed by the Ministry of Environment Forests & Climate Change, Govt of India with the Guidelines contained in its letter referred to above.

Yours faithfully,


 (B.S. Siktel, IFS),
 CF-cum-Nodal Officer (FCA),
 (B.S. Siktel), IFS
 Conservator of Forests-cum-Nodal
 Forest (Conservation) Act,
 Govt. of Sikkim

Copy to:-

1. The Conservator of Forest (Territorial) : For information.
Gangtok.
2. The Divisional Forest Officer (Territorial) : For information & follow up action.
South Division, Gangtok.