



GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT, FORESTS  
& CLIMATE CHANGE  
NORTH EASTERN REGIONAL OFFICE  
LAW-U-SIB, LUMBATNGEN  
SHILLONG-793021  
PHONE NO: 0364-2537609  
FAX NO: 0364-2536041  
EMAIL: moefshil\_09@rediffmail.com

No. 3-SK C 004/2017-SHI/ 1959-60

18<sup>th</sup> September, 2017

To,

The Principal Secretary-cum PCCF  
Deptt. of Forests, Env., WL. Management & Climate Change,  
Government of Sikkim, Deorali, Gangtok- 737 102,  
Sikkim.

Sub : Proposal for diversion of 25.82 ha of forest land for construction of road from Sophakha to Chewabhanjang passing through Barsey Rhododendron Sanctuary in West District of Sikkim by Roads & Bridges Department, Government of Sikkim.

Sir,

This has got reference to the State Government's letter 1689/FCA/FEWMD/918 dated 10.03.2017 and further clarification as per Nodal Officer Sikkim's letter No.1689/FCA/FEWMD/584 dated 26.08.2017 & 13.09.2017 on the subject mentioned above, wherein prior approval of the Central Government for diversion of **25.82 ha** of forest land for construction of road from Sophakha to Chewabhnajang passing through Barsey Rhododendron Sanctuary in West District of Sikkim by Roads & Bridges Department, Government of Sikkim, was sought in accordance with Section 2 of the FCA, 1980.

2. After careful consideration of the proposal of the State Government of Sikkim, and recommendation of the REC held on 15.09.2017, the **In-principle approval (IPA)** is hereby granted under Section 2 of the Forest (Conservation) Act, 1980 for diversion of **25.82 ha** of forest land for construction of road from Sophakha to Chewabhnajang passing through Barsey Rhododendron Sanctuary in West District of Sikkim by Roads & Bridges Department, Government of Sikkim, subject to the following conditions:

- (1) The User Agency shall transfer the cost of compensatory afforestation over double the area diverted in degraded forest land i.e. 51.64 ha. identified at 3 (three) locations (i.e. 11.0 ha. 21.48 ha & 19.16 ha.) to the Adhoc CAMPA through State Forest Department.
- (2) The State Government shall charge the Net Present Value of the forest area diverted under this proposal from the User Agency as per the Orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 & 09.05.2008 in Writ Petition (Civil) No. 202/1995 and as per the guidelines issued by this Ministry vide its 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 the Net Present Value (NPV) of the diverted forest land, if so determined, as per final decision of the Hon'ble Supreme Court of India.
- (4) All the above funds received from the User Agency under the project shall be transferred to the Ad-hoc CAMPA in the concerned saving bank account in the Corporation Bank, CGO Complex, Phase-I, Lodhi Road, New Delhi.

(5) The boundary of the forest land being diverted shall be demarcated on the ground at the cost of the project, by erecting four feet high reinforced cement concrete pillars, each pillar inscribed with the serial number, DGPS coordinates, forward and backward bearings and distance from the adjoining pillars.

(6) The charges for felling, logging and transportation of project affected trees should be collected from the User Agency at the rates approved by the State Govt and deposited with the DFO concerned 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 accounts should be deposited with the DFO concerned.


(8) The user agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.

(9) The User Agency will have to obtain the Forest (Conservation) Act, 1980 clearance for stone, river sand, river boulders in forest land, if necessary.

(10) As per Ministry's letter No. 11-30/96-FC(Pt) dt. 14.9.2001, if the compliance of stipulated conditions is awaited from the State Govt 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.

3. After the receipt of the compliance report from the State Government on fulfillment of the conditions mentioned above, final/stage-II approval of the Central Government, in accordance with Section 2 of the Forest (Conservation) Act, 1980, will be considered. Till the receipt of the Final / Stage-II approval of the Central Government for diversion of the said forest land from this Ministry, transfer of the said forest land to the User Agency shall not be affected by the State Government.

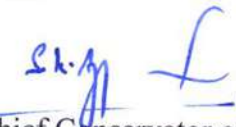
Yours faithfully,

  
(Sunil Kumar Aggarwal) 18/9/2017

Addl. Principal Chief Conservator of Forests (C)

Copy to:

Conservator of Forest-cum-Nodal Officer (FCA), Deptt. of Forests, Env., WL. Management & Climate Change, Government of Sikkim, Deorali, Gangtok- 737 102, Sikkim.

  
Addl. Principal Chief Conservator of Forests (C) 18/9/2017

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