



Government of India

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भारत सरकार

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
पूर्वोत्तर क्षेत्रीय कार्यालय, शिलांग  
लॉड सीब लुम्बतंगेन  
एम् टी सी के पास, शिलांग -७९३०२१  
क्स/ Fax -0364- 2536041/2536983

F.No. 3-SK B 067/2018-SHI 3940-41

25<sup>th</sup> February, 2020

सेवा में,

प्रधान मुख्य वन संरक्षक- सह प्रमुख सचिव/ Principal Secretary-cum PCCF,  
सिक्किम सरकार/ Government of Sikkim,  
वन और पर्यावरण विभाग/ Forests and Environment Department,  
डेओराली/ Deorali, गंगटोक/ Gangtok,  
सिक्किम /Sikkim- 737 102.

Sub : Proposal for diversion of 2.0518 ha of forest land (0.73 ha at Yangang RF & 1.3218 ha at Mainam WL Sanctuary) for providing drinking water supply to Sikkim University at Yangang from Barfung Khola and two other source in South District of Sikkim by Water Security & PHE Department, Government of Sikkim.

Sir,

This has got reference to the State Government's letter 1779/FCA/FEWMD/618 dated 14.09.2018, even no.1363 dated 09.01.2020 and even no. 527 dated 21.02.2020 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

2. After careful examination of the proposal of the State Government, *In-principle / Stage-I* approval of the Central Government is hereby granted for diversion of **2.0518 ha** of forest land (0.73 ha at Yangang RF & 1.3218 ha at Mainam WL Sanctuary) for providing drinking water supply to Sikkim University at Yangang from Barfung Khola and two other source in South District of Sikkim by Water Security & PHE Department, Government of Sikkim, subject to the following conditions:

- (1) Legal status of the forest land shall remain unchanged.
- (2) The User Agency shall transfer the cost of raising and maintaining the Compensatory Afforestation at the current wage rate, and shall be deposited in the Compensatory Afforestation Fund of Sikkim State account no. 52101263743698 managed by the National CAMPA, through E-portal. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- (3) The Compensatory afforestation shall be taken up by the Forest Department over **4.50 ha** in degraded forest land identified at 2 (two) locations i.e 1.50 ha at Manzing, Lingmoo (T) Range, and 3.00 ha at Maenam, Maenam WLS South (T/WL), South District at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- (4) The State Govt shall charge the Net Present Value (NPV) for the 2.0518 ha forest area to be diverted under the proposal from the Use Agency as per the orders of the Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 and 09.05.2008 in IA No. 566 in Writ Petition (Civil) No. 202/1995 and as per the guidelines issued by this Ministry vide its letter No. 5-1/1998-FC (Pt.II) dated 18.09.2003, as well as letter No. 5-2/2006-FC dated 03.10.2006 and 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal to Ad-hoc CAMPA account of the State concerned.
- (5) Additional amount of NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Govt from the User Agency. The User Agency shall furnish an undertaking to this effect.



- (6) All the funds received from the User Agency under the project towards compensatory leveies (CA, NPV, etc) shall be transferred/deposited to Compensatory Afforestation Fund of Sikkim State managed by the National CAMPA only through e-portal mode.
- (7) The boundary of the diverted forest land, if required on the CA land, shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- (8) 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.
- (9) 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.
- (10) The User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- (11) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- (12) The User Agency shall obtain the Environmental Clearance under Environment (Protection) Act, 1986, if applicable.
- (13) The lay out of the proposal shall not be changed without the prior approval of the Central Government.
- (14) No labour camps shall be established on the forest land.
- (15) Sufficient firewood, preferably the alternative fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternative fuel.
- (16) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (17) 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.
- (18) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF & CC Guidelines F No. 11-42/2017-FC dated 29/01/2018.
- (19) Any other conditions that the 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.
- (20) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

In addition to the above conditions, the following are the additional conditions recommended by the Standing Committee of NBWL in its meeting held on 29.07.2017.

- (i) The pipeline will be underground except in the rocky cliffs digging the rocks will make the land more fragile.
- (ii) Labour camp will not be permitted to be set up inside the sanctuary.
- (iii) All workers need to obtain permits from working inside the sanctuary.
- (iv) Construction materials should be stored in the identified area.
- (v) No additional felling of trees or destruction of wildlife habitat, exploitation or removal of any wildlife including forest produce from the sanctuary should take place.
- (vi) Authorized sanctuary personnel will check the construction sites as and when required.
- (vii) The project implementing authorities and workers will obey Dos and Don'ts of the sanctuary.
- (viii) Even after completion of the project, the implementing agency shall inform and take permission from the Forests, Environment & Wildlife Management Department for any kind of maintenance.

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.

भवदीय,



(आर. एल. सांगा)/(R.L. Sanga)

I/c उप महानिदेशक (केंद्रीय)/ Deputy Director General of Forests (C)

Copy to:

सीसीएफ-सह-नोडल अधिकारी /CCF -cum Nodal Officer, सिक्किम सरकार/ Government of Sikkim, वन पर्यावरण विभाग और वन्यजीव प्रबंधन/ Department of Forests, Env. & Wildlife Management, डेओराली/ Deorali, गंगटोक/ Gangtok, सिक्किम /Sikkim- 737102.



I/c उप महानिदेशक (केंद्रीय)/ Deputy Director General of Forests (C)

o/c

Received



25/12/2020

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ADDL. CHIEF ENGINEER  
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