



Government of India

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भारत सरकार

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

No. 3-SK B 078/2019-SHI/ ९९५ - ९५

16th July, 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 : Diversion of 0.0146 ha of forest land for construction of cafeteria with facilities of toilet at Cho Lhamu under Lachen Dzumsa in North District of Sikkim by Rural Management & Development Department, Govt of Sikkim.

Sir,

This has got reference to the State Government's letter 1797/FCA/FEWMD/247 dated 10.06.2019, even no.1131 dated 12.11.2019 and even no. 254 dated 26.06.2020 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

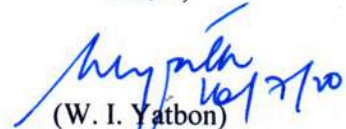
2. After careful examination of the proposal of the State Government, *In-principle / Stage-I* approval of the Central Government is hereby granted for diversion of **0.0146 ha** of forest land for construction of cafeteria with facilities of toilet at Cho Lhamu under Lachen Dzumsa in North District of Sikkim by Rural Management & Development Department, Govt of Sikkim, subject to the following conditions:

- (1) Legal status of the forest land shall remain unchanged.
- (2) Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
- (3) The compensatory afforestation shall be taken up by the Forest Department over **0.0292 ha** of degraded forest land identified at Yathang RF, Lachen (T) Range under North (T) Division of North District at the cost of the user agency. As far as possible, mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- (4) The cost of the compensatory afforestation at the prevailing wages as per the compensatory afforestation scheme shall be deposited in the Compensatory Afforestation Fund of Sikkim State 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.
- (5) The State Govt shall charge the Net Present Value (NPV) for the 0.0146 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 e-portal.

- (6) 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.
- (7) 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 only through e-portal mode.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- (13) The User Agency shall obtain the Environmental Clearance under Environment (Protection) Act, 1986, if applicable.
- (14) The lay out of the proposal shall not be changed without the prior approval of the Central Government.
- (15) No labour camps shall be established on the forest land.
- (16) 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.
- (17) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (18) 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.
- (19) 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.
- (20) 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.
- (21) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

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,


(W. I. Yatbon)

उप वन महानिरीक्षक (केंद्रीय) / Deputy Inspector General of Forests (C)

Copy to:

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

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o/c