



Government of India

Ministry of Environment, Forest & Climate Change,
North Eastern Regional Office,
Law-U-Sib Lumbatngen,
Near MTC Workshop, Shillong-793021,
टेली/Tel(0364)-253-7609,7340/7395/7278,

ईमेल/Email-ro.nez.shil@gmail.com/moefshil_09@rediffmail.com

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 097/2019-SHI/ 598-99

18th June, 2020

सेवा में,

प्रधान मुख्य वन संरक्षक- सह प्रमुख सचिव/ Principal Secretary-cum PCCF,
सिक्किम सरकार/ Government of Sikkim,
वन पर्यावरण और वन्यजीव प्रबंधन विभाग / Department of Forests, Env. & Wildlife Management,
डेओराली/ Deorali, गंगटोक/ Gangtok,
सिक्किम /Sikkim- 737102.

Sub : Proposal for diversion of 3.654 ha (East Distt. = 2.446 ha + South Distt. = 1.2078 ha) of forest land for construction of 66 KV Double Circuit Transmission Line from Samaradong to Kumrek under Comprehensive Scheme for strengthening of T & D System in East & South District of Sikkim by Energy & Power Department, Govt of Sikkim.

Sir,

This has got reference to the State Government's letter No. 1795/FCA/FEWMD/2018/313 dated 21.06.2019, even no. 1229 dated 04.12.2019, even no. 1507 dated 13.02.2020 and even no. 138 dated 01.06.2020 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 of Sikkim, *In-principle / Stage-I* approval of the Central Government is hereby granted for diversion of 3.654 ha (East Distt. = 2.446 ha + South Distt. = 1.2078 ha) of forest land for construction of 66 KV Double Circuit Transmission Line from Samaradong to Kumrek, under Comprehensive Scheme for strengthening of T & D System in East & South District of Sikkim by Energy & Power 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) Compensatory afforestation shall be taken up by the Forest Department over double the area diverted i.e. **7.292.0 ha** degraded forest land identified at 2 (two) locations i.e. 4.892 ha at Sittay RF, Singtam (T), East District & 2.40 ha at Tsalumthang RF, Namthang Range, 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 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 for the 3.654 ha forest area to be diverted under the proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 & 09.05.2008 in IA No.566 in WP (C) No.202/1995 and as per the guideline issued by this Ministry vide letter No. 5-2/2006-FC dated 03.10.2006 No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through through e-portal.

My Jale

o/c

- (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 levies (CA, NPV, Dwarf plantation, etc) shall be transferred/deposited to Compensatory Afforestation Fund of Sikkim State only through e-portal mode.
- (8) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- (9) The expenditure like 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 the forest land.
- (10) The expenditure like boundary walls, stone pillars, and demarcation charges cost of damage of trees the fund on these accounts should be deposited with DFO concerned.
- (11) The user agency shall restrict the felling of trees to minimum number in the diverted forest land and trees shall be felled under strict supervision of State Forest Department Forest and the cost of the felling of trees shall be deposited by the user agency with the State Forest Department.
- (12) The complete compliance to the Forest Right Act, 2006 shall be ensured by way of prescribed certificate from the concerned District collector.
- (13) The User Agency in consultation with the State Forest Department shall prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line for execution of the said scheme by the State Forest Department.
- (14) The User Agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.
- (15) The User Agency shall comply with the guidelines for laying transmission through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014.
- (16) The User Agency shall obtain the Environmental Clearance under Environment (Protection) Act, 1986, if applicable.
- (17) The lay out of the proposal shall not be changed without the prior approval of the Central Government.
- (18) No labour camps shall be established on the forest land.
- (19) 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.
- (20) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (21) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- (22) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (23) 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.
- (24) 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.
- (25) 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.
- (26) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)



3. After receipt of the compliance report from the State Government on fulfilment of the conditions mentioned above, final approval will be issued in this regard. Formal transfer of forest land shall not be effected by the State Govt till final approval orders approving the diversion of forest land are issued by the Central Government.

भवदीय,

(W. I. Yatbon)

उप वन महानिरीक्षक (केंद्रीय)/ Deputy Inspector 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.

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

o/c