



GOVERNMENT OF SIKKIM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS-cum-PRINCIPAL SECRETARY
FORESTS, ENVIRONMENT & WILDLIFE MANAGEMENT DEPARTMENT
Forest Secretariat, Deorali – Gangtok, (SIKKIM) Pin 737 102,
[Ph 281778, 281145, Fax No. 03592-281145, E-mail ID: fcasikkim@gmail.com]

Ref. No. 1675/FCA/FEWMD/511-17
To,

Dated 10.8.2017

The Nodal Officer,
For Chief Engineer
Project Swastik, HQ
Border Road Organization
C/o 99 APO.

Subject: **Proposal for diversion of 6.303 Ha (5.553 Ha widening of road + 0.750 Ha Muck dumping site) of Forest Land for improvement /construction of road Rorathang-Rangpo existing CI-09 (District road) to National Highway Double Lane (NHDL) specification in East District of Sikkim by 87 RCC(GREF) BRO- IPA reg.**

Sir,

Reference your [No. FP/SK/ROAD/15137/2015] received through on-line/off line mode and Letter No.2005/F/FCLA/RR/36/E2 dated 24.07. 2016 and subsequent clarification made by you vide Letter No.2005/F/RR Rd/71/E2 dated the 18th July 2017 to the effect that project proposal is falling within 100km aerial distance from the LAC of Indo-China border, for seeking the prior approval of the Central Govt under the provision of Forest (Conservation) Act 1980.

After careful examination of your proposal in accordance with the Rules/Guidelines framed under the Forest (Conservation) Act 1980 and on completion of procedural formalities as required under the said Rules/Guidelines, the State Govt hereby accords its stage-I (In-principle) approval *in terms of General approval conveyed by the Ministry of Environment, Forests & Climate Change, Govt of India, New Delhi under section 2 of Forest (Conservation) Act 1980 for diversion of forest land for construction and widening of two lane roads by the BRO and other road construction agencies entrusted with the jobs by the Ministry of Defence in the area falling within 100 km aerial distance from the Line of Actual Control vide Letter No.11-246/2014-FC dated the 4th July 2014*, for diversion of 6.303 Ha (5.553 Ha widening of road + 0.750 Ha Muck dumping site) of Forest Land for improvement /construction of road Rorathang-Rangpo existing CI-09 (District road) to National Highway Double Lane (NHDL) specification in East District of Sikkim by 87 RCC(GREF) Border Road Organization subject to compliance of conditions stipulated here as under:-

- (i) The legal status of forest lands to be diverted under the project shall remain unchanged.
- (ii) The User agency shall release the payment for **Rs.15,65,703.00** (Rupees fifteen lakh, sixty five thousand seven hundred and three) only towards the cost of the compensatory afforestation to be raised mandatorily over the degraded forest land identified at Sang RF under Singtam Range in lieu of forest land to be diverted for the project purposes. A Demand Note in this respect is enclosed herewith for reference.
- (iii) The User agency shall pay the Net Present Value of the forest lands to be diverted under the project for **Rs. 53,26,035.00** (Rupees fifty three lakhs, twenty-six thousand and thirty five) only as per the Judgement Orders of the Hon'ble Supreme Court dated 28-3-2008/09-05-2008 in IA No.566 WP (C) 202/1995 and subsequent Guidelines communicated by the Ministry in its Letter No.5-3/2007-FC dated 05-02-2009 thereon. A Demand Note in this respect is enclosed herewith for reference.
- (iv) The User agency shall furnish an Undertaking to pay the additional amount of NPV, if any, that may become due after finalization of revised rates of NPV by the Ministry.
- (v) The boundary of forest land to be diverted under the project shall be demarcated on the ground by using DGPS and erecting four feet high reinforcement cement concrete pillars super inscribed with serial numbers, back/front bearings and distance from pillar to pillar at the project cost by the user agency.

- (vi) All the above funds shall be remitted to the Corporation Bank, CGO Complex, Phase – I, Lodhi Road, New Delhi maintained by the Ad-hoc CAMPA through "e-payment" module. As per guideline communicated by the Ad-hoc CAMPA, MoEF&CC, Govt. of India in its letter No. 12-2/2010-CAMPA dated 20th February 2017, the payment made other than through "e-payment" module shall not be taken into account for grant of Final Approval or working permission under the provision of Forest (Conservation) Act, 1980. In case any difficulty, the office of the Nodal Officer (FCA) may be consulted for any assistance in this respect.
- (vii) The User agency shall pay the cost for cutting, felling and extraction of project affected trees for **Rs.23,84,865.00** (Rupees twenty three lakhs eighty four thousand eight hundred and sixty five) only separately in favour of the Principal Secretary-cum-PCCF, Govt of Sikkim, Forests Environment & Wildlife Management Department. A Demand Note in this respect is enclosed herewith for reference.
- (viii) Felling of project affected trees shall be carried out in presence of Forest Officer deputed in this respect taking care of the natural regeneration areas and ensuring the minimum felling as far as practicable.
- (ix) The User agency shall release the fund towards the cost of the survey & demarcation of forest lands to be diverted under the project. A soft copy of the Geo-referenced map in shape file shall be prepared and made available for records.
- (x) The User agency shall obtain the Environment Clearance as per the provisions of Environment (Protection) Act 1986, if required.
- (xi) The User agency shall have to obtain the Forest (Conservation) Act 1980 clearance for removal of stone, river sand, river boulders in forest land, if necessary.
- (xii) The User agency shall comply any other condition imposed by the State Forest Department/State Govt or concerned Regional Office of the Ministry in the interest of the forest conservation, protection and propagation of the locality.
- (xiii) As per the Ministry's Letter No.11-30/96-FC (Pt) dated 14-9-2001, if the compliance of conditions stipulated in the instant project proposal is awaited for more than 5 (five) years, the In-principle approval will be summarily revoked considering that the User agency is no longer interested for the project.

After fulfilment 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

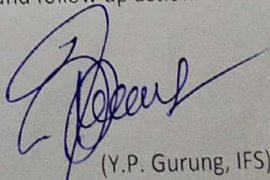
Sd/- (Y.P. Gurung, IFS)
CF-cum-Nodal Officer (FCA)

Memo No. 1675/FCA/FEWMD/...*SR-15*

Dated...*10.8.*...2017

Copy to:-

- 1) The Addl. Principal CCF (Central), MoEF&CC, : For information, please.
NERO, Shillong.
- 2) District Collector, East District, Gangtok : For information
- 3) Conservator of Forests (Territorial) : -do-
- 4) DFO (T) East Division, Gangtok : For information and follow up action
accordingly.


(Y.P. Gurung, IFS)
CF-cum-Nodal Officer (FCA)