



भारत सरकार/Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

Ministry of Environment, Forest & Climate Change

एकीकृत क्षेत्रीय कार्यालय, कोलकाता/ Integrated Regional Office, Kolkata

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No. IRO/KOL/SK/TRANS/145497/2021/325

Date: 26th July 2022

To,

The Addl. Chief Secretary-cum-PCCF,
Forests and Environment Department,
Government of Sikkim,
Forest Secretariat, Deorali,
Gangtok – 737102.

Sub: In-principle (Stage-I) approval of Central Government under Forest (Conservation) Act 1980 for of 2.87 ha forest land in favour of Power Department, Government of Sikkim for extension of three phase 11 KV Weasel Line and installation of 25 KVA Outdoor type distribution sub-station along with extension of LT line at Sakhimdara, Dhoban & Nayapatal (72nd Battalion SSB Outpost along Indo-Nepal Border) at Gyalshing, West Sikkim - reg.

Sir,

This refers to letter No.1975/FCA/F&ED/66-69 dated 20.04.2022 and letter No.1975/FCA/F&ED/386B dated 18.07.2022 of the Government of Sikkim on the above-mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

After due consideration of the proposal of the State Government, the Ministry of Environment, Forest & Climate Change hereby conveys '**Stage-I/in-principle**' approval for diversion of 2.87 ha forest land in favour of Power Department, Government of Sikkim for extension of three phase 11 KV Weasel Line and installation of 25 KVA Outdoor type distribution sub-station along with extension of LT line at Sakhimdara, Dhoban & Nayapatal (72nd Battalion SSB Outpost along Indo-Nepal Border) at Gyalshing, West Sikkim subject the following conditions and stipulations:

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

1. The cost of compensatory afforestation on the CA land (6 ha) as proposed by State Forest Department at the prevailing wage rates as per compensatory afforestation scheme shall be deposited in advance with the State Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
2. The State Government shall charge the Net Present Value (NPV) for the 2.87 ha forest area to be diverted under this proposal from the User Agency as per the order 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 WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letter No. 5-1/1998-FC(Pt.II) dated 8/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006, 5-3/2007-FC dated 05/02/2009 and **5-3/2011-FC(vol-I) dated 19/01/2022** in this regard.

3. All the funds received from the user agency under the project shall be transferred / deposited to CAMPA fund only through **e-portal** (<https://parivesh.nic.in>).
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. **The KML files of the area to be diverted and the CA area shall be uploaded on the e-Green watch portal with all requisite details and submitting compliance report for seeking Stage-II approval.**
6. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of Comprehensive Guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No.5-2/2017-FC dated 28.03.2019.
7. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in>).

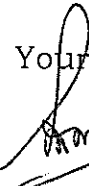
B: Conditions which need to be strictly complied on field after handing over of forest land to the User Agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of forest land proposed for diversion shall remain unchanged.
2. Compensatory afforestation shall be taken up by the Forest Department over 6 ha degraded forest land (Location- Yampung RF, Gyalshing Range under West Territorial Forest Division) at the cost of the user agency. As far as possible, a mixture of local native species shall be planted and monoculture of any species, especially non-native species should be avoided.
3. Additional amount of the 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 also be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
4. User Agency shall restrict the felling of trees to minimum number which are unavoidable 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.

5. 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.
6. Width of Right of Way for the Transmission Line shall be limited to 7 m.
7. To minimize the felling of trees for construction of Transmission Line, User Agency shall comply with the following guidelines:
 - (a) The normal width clearance below each conductor or conductor bundle will be 3 m only. The trees on such strips may be felled but after stringing work is completed, the natural regeneration will be allowed to come up.
 - (b) Outer strip may be left clear to permit maintenance of the Transmission Line.
 - (c) In the remaining width of Right of Way felling/ pollarding/ pruning of trees will be done with the permission of the local Forest Officer whenever necessary to maintain the electrical clearance. Trees shall be allowed to be felled or lopped to the extent required, for preventing electrical hazards by maintaining the minimum 2.6 meter clearance between conductors and trees. The maximum sag and swing of the conductors are to be kept in view while working out the minimum clearance mentioned as above.
 - (d) The Scheme for creation and maintenance of plantation of dwarf species in Right of Way under the Transmission Line, as prepared by the State Forest Department shall be implemented from the funds provided by the User Agency and a scheme for this shall be submitted.
8. The lay out plan of the proposal shall not be changed without prior approval of the Central Government.
9.
 - (a) All the natural streams and water bodies in surrounding area shall be protected.
 - (b) The User Agency shall ensure that the labourers and staff engaged in construction activity do not damage the nearby forest flora and fauna.
 - (c) Earth or any other material shall not be brought from and debris resulting during construction shall not be disposed of in the adjoining forest area by the user agency.
 - (d) No labour camp shall be established on the forest land.
 - (e) The User Agency shall provide alternate fuels preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.

- (f) During and after the construction period of the project, the project authority shall continue to assist the State Forest Department for conservation and development of natural resources of the State.
10. (a) The forest land shall not be used for any purpose other than that specified in the Project proposal.
(b) The period of diversion under this approval shall be co-terminus with the period of the project life.
(c) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
11. Any other conditions that the Ministry of Environment, Forest & Climate change may stipulate from time to time in the interest of conservation, protection and development of forest and wildlife.

After receipt of the compliance report regarding fulfillment of the conditions as stipulated above, from the State Government, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. Transfer of forest land to user agency should not be given effect to by the State Government till formal order approving diversion of forest land is issued by the Central Government. To facilitate speedy execution of this project involving diversion for the project, the in-principle approval may be deemed as the permission for commencement of works, if the required funds for CA, NPV and other compensatory levies specified in the in-principle approval are realized from the user agency and accordingly the State Government, by passing an order, may allow the commencement of work of the linear project in forest land for a period of one year (The detail guideline issued vide Ministry letter No. 11-306/2014-FC, dated 28.08.2015 may be referred)

Yours sincerely,


(Dr. Soma Das)
Inspector General of Forests (C)

Copy to:-

1. The DIGF (ROHQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110 003.
2. The APCCF-Cum-Nodal Officer (FCA), Forest & Environment Department, Government of Sikkim, Forest Secretariat, Deorali, Gantok - 737102.
3. The Divisional Forest Officer, East Territorial Forest Division, Sikkim.
4. The PCE cum Secretary, Power Department, Govt. of Sikkim, Kazi Road, Gangtok - 737101.
5. Guard File.

Inspector General of Forests (C)