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GOVERNMENT OF SIKKIM

OFFICE OF THE PCCF-cum-PRINCIPAL SECRETARY

FORESTS, ENV. WL MANAGEMENT & CLIMATE CHANGE DEPARTMENT

FOREST SECRETARIAT, DEORALI, GANGTOK-737 102

[Phone No. 281145 [FAX No. 03592-281145, E-mail ID:fcasikkim@gmail.com]

Ref. No. 1700/FCA/FEWMD/.....

500-504

Dated: 26/10/16.

To,

The PCE-cum-Secretary,
Roads & Bridges Department,
Govt. of Sikkim, Gangtok.

Sub : Proposal for diversion of 0.081 Ha of Forest Land for construction of road from Bhusuk to Shotaklakha in East District of Sikkim by Roads & Bridges Department, Govt. of Sikkim.

Sir,

Reference your proposal No. FP/SK/ROAD/19382/2016 dated 07.06.2016, regarding the project proposal cited above.

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* [vide MoEF's earlier guidelines letter No. letter F.No.11-9/98-FC dated 03/01/2005 and No.11-9/98-FC dated 13/02/2014 in this respect], for **diversion 0.081 Ha of Forest Land for construction of road from Bhusuk to Shotaklakha in East District of Sikkim by Roads & Bridges Department, Govt. of Sikkim**, subject to fulfillment of the following conditions :-

- (1) The User Agency shall transfer the cost of Rs. **55,665.00** (Rupees fifty five thousand six hundred and sixty five) only for Avenue Plantation (0.5 Km) with Bamboo basket/tree guard to be carried out on Rongneck-Bhusuk Road under Gangtok Range in East (T) Division, to the Adhoc CAMPA through State Forest Department.
- (2) The User agency shall pay the Net Present Value of the forest lands to be diverted under the project, for Rs. 53,217.00 (Rupees fifty-three thousand two hundred and seventeen) 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.
- (3) At the time of payment of the Net present Value (NPV) at the present rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per final decision of the same by Hon'ble Supreme Court of India.

- (4) All the funds received from the User Agency under the project, except the funds realized for regeneration/demarcation of safety zone, shall be transferred to Compensatory Afforestation Fund Management and Planning Authority (CAMPA) in the Saving Bank Account pertaining to the State concerned;
- (5) The boundary of the forest land being diverted shall be demarcated on the ground by erecting four feet high reinforcement cement concrete pillars each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from pillar to pillar. The photographs of above is needed to be enclosed in compliance report.
- (6) The charges for felling, logging and transportation of project affected trees for Rs. **27,355.00** (Rupees twenty seven thousand three hundred and fifty five) only, shall be paid by the User Agency separately and deposited with the State Forest Deptt. for utilization immediately following the diversion of forest land.
- (7) The expenditure like boundary walls, stone pillars, demarcation charges, cost of damage of trees the funds on these account should, be deposited with the Department.
- (8) The user Agency shall obtain the Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, before consideration of final approval, if required.
- (9) The user agency will have to obtain the Forest (Conservation) Act, 1980 clearance for stone, river sand, river boulder in forest land, if necessary.
- (10) As per Ministry's letter No.11-30/96-FC (Pt) dated 14.09.2001, if the compliance of stipulated conditions is awaited from the State Government for more than 5(five) years the in-principle approval would summarily be revoked considering that the user agency is no longer interested in the project.

After fulfillment 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,


27.10.16.

(B.S. Siktel, IFS),
CF-cum-Nodal Officer (FCA),

B.S. Siktel, IFS
CF-cum-Nodal Officer

Forest (Conservation) Act. 1980
Govt. of Sikkim

Copy to:-

1. The Addl. Principal CCF (Central), MoEF&CC, NERO, Shillong : For information, please
2. The Conservator of Forest (Territorial) Gangtok. : -do-
3. The Divisional Forest Officer (Territorial) East Division, Gangtok. : For information & follow up action under Sl.No.7.



GOVERNMENT OF SIKKIM

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS-cum- PRINCIPAL SECRETARY
FORESTS, ENVIRONMENT & WILDLIFE MANAGEMENT DEPARTMENT

FOREST SECRETARIAT, DEORALI, GANGTOK-737 102 [PHONE: 281261 (O), 202590 (R) FAX: 03592 - 281778]

Ref. No. 1700/FCA/FEWMD/366-370

Dated: 24/6/17

To,

The PCE-cum-Secretary,
Roads & Bridges Department,
Govt. of Sikkim, Gangtok.

Sub : Proposal for diversion of 0.081 Ha of Forest Land for construction of road from Bhusuk to Shotaklakha in East District of Sikkim by Roads & Bridges Department, Govt. of Sikkim- Final Approval reg.

Ref. No. 1700/FCA/FEWMD/500 dated 26.10.2016

Sir,

Reference your proposal No. FP/SK/ROAD/19382/2016 dated 07.06.2016, regarding the project proposal cited above.

After careful consideration of your proposal on the basis of compliance of conditions fulfilled by the User agency in completeness as stipulated in the stage-I (In-Principle) approval, the State Govt. hereby accords the **Stage-II (Final Approval)** in terms of the General Approval and subsequent Guidelines conveyed by the MoEF&CC, Govt of India, New Delhi under section 2 of the said Act [vide MoEF's earlier guidelines letter No. letter F.No.11-9/98-FC dated 03/01/2005 and No.11-9/98-FC dated 13/02/2014 in this respect], for **diversion of 0.081 Ha of Forest Land for construction of road from Bhusuk to Shotaklakha in East District of Sikkim by Roads & Bridges Department, Govt. of Sikkim**, subject to compliance of the following conditions:-

1. The legal status of the forest land shall remain unchanged.
2. The Compensatory Afforestation (Avenue Plantation) shall be carried out over an area of 0.5 Km with Bamboo basket/tree guard on Rongneck-Bhusuk Road under Gangtok Range in East (T) Division as per the fund deposited by the User Agency.
3. The demarcation of forest land proposed for diversion shall be done on the ground at project cost by the user agency (preferably at a distance of ^{50ft} from pillar to pillar) using four feet high reinforced cement concrete pillars with serial numbers, forward and backward bearing and distance from pillar to pillar super scribed on the pillars. State Govt. not to hand over the land without demarcation & erection of pillars.
4. 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.
5. The expenditure like stone pillars, demarcation charges, cost of damage of trees felling should be deposited with the DFO concerned.
6. The tree felling shall be done only, when it is necessary and unavoidable and that too under strict supervision of the State Forest Department.
7. No damage to flora and fauna of the area shall be caused.
8. The forest land shall not be used for any purposed other than that specified in the proposal.
9. No labor camps shall be established outside ROW granted for the road alignment.
10. The User Agency shall provide fuel wood, preferably alternate fuel to the laborers working at the site to avoid damage/felling of trees or buy the fuel wood from the extracted timber from the Forest Department to be used by labourers.

11. The muck dumping area shall be stabilized and plantation of suitable indigenous species shall be carried out over stabilized dumps on the cost of the user agency and the supervision of State Forest Department.
12. All site specific engineering structures like retaining walls, breast walls and shall be constructed to avoid any soil erosion and for slope stability of the concerned hills.
13. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person.
14. The layout of the plan of the proposal shall not be changed without the prior approval of the Central Govt.
15. The User Agency shall obtain the Environmental Clearance under Environment (Protection) Act, 1986, if applicable.
16. The User Agency will have to obtain the Forest (Conservation) Act, 1980 clearance for removal, if any of stone, river sand, river boulders in forest land.
17. The monitoring should be conducted by the concerned Division Forest Officer during construction phase to ensure the compliance of the stipulated conditions.
18. In case of any violation of the stipulated conditions immediate action is to be taken by the Forest Department as per Ministry's letter 5-5/86/FC dated 07.12.1999 and letter No.2-1-51/2004/RONE/Vol II/3181-02 dated 28.12.2006.
19. Any other condition as may found appropriate in future for the betterment of environment & wildlife, may be imposed by North Eastern Regional Office.
20. This approval may be revoked if the above condition of approval is not complied to the satisfaction of North Eastern Regional Office, Shillong.

Therefore, you are requested to advise the concerned official to take over the possession of the diverted forest land from DFO (T) East Division, Gangtok after fulfillment of condition No. 3 and 5 above, and submit a copy of report to the undersigned for record. The other statutory conditions may also be complied with the execution of the project duly considering the essentiality of forest conservation is concerned.

Yours faithfully,

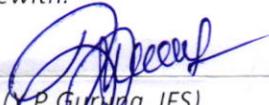
Sd/- (Y.P.Gurung, IFS),
CF-cum-Nodal Officer (FCA),

Memo No:1700/FCA/FEWMD/.....

Dated:...../2017

Copy to:-

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|-------------------------------------------------------------------------------------------------------------------------|---|-------------------------------------------------------------------------------------------------------------------------------------|
| 1. PCCF-cum-Pr. Secretary | : | For information, please. |
| 2. CF (Territorial) Gangtok. | : | -do- |
|  DFO (East Territorial Div.) Gangtok | : | For information with a direction to carryout handing/taking of diverted forest land as per the prescribed format attached herewith. |


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