

**Interim Guideline on
Lease of GRF Land for Commercial Agriculture**



**Royal government of Bhutan
Ministry of Agriculture and Forests
Thimphu, Bhutan
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Table of Contents

Acronyms	ii
Background and Rationale.....	1
Challenges and Opportunities	1
Definition.....	3
Purpose and Objectives	3
Guidelines	4
Eligibility Criteria	5
Crop priority for lease	6
Project Proposal:	7
Procedure for Land Lease	7
Roles and Responsibilities	8
Clearances required	9
Offences and Penalties:.....	9
Annexures:.....	10

Acronyms

CA	Commercial agriculture
DLLC	Dzongkhag Land Lease Committee
FDI	Foreign Direct Investment
GRF	Government Reserve Forests
MoAF	Ministry of Agriculture and Forests
NLC	National Land commission
NWFP	Non-wood forest products
PAVA	Property Assessment and Valuation Authority
PPP	Public-Private Partnership
RGoB	Royal Government of Bhutan
TWC	Technical Working Committee

Background and Rationale

Agriculture is one of the important sectors with more than 59.4% of population predominantly dependent on it for its livelihoods. Although agriculture sector continues to be a significant contributor to the GDP, diversified use and loss of land for other development purposes has gained momentum. Today, the available legal tools [Policies and Acts] on land resources and environment envision the need to work towards achieving sustained development through judicious use of the limited resources. The agriculture system in Bhutan has been undergoing significant changes, and subsequently, the escalating socio-economic concerns emerging in the country demands an exploration of new opportunities in production areas. One such focus area that needs mention is the promotion of commercial agriculture; a practice that may take a different course in contrast to the current agricultural norms. Of late, the Ministry of Agriculture and Forests has been receiving several applications from entrepreneurs for leasing potential Government Reserve Forest land for commercial agriculture. While the Ministry has recommended few of these applications to the National Land Commission (NLC) for consideration, the need for a clear policy is felt in order to guide our decision in the future.

Land resources are finite. Unplanned utilization of land resources lead to quick exhaustion, giving rise to many socio-economic problems in the process. In an effort to promote good governance of land resources and in a sustainable way, the Royal Government, through its concerned Ministries and central agencies has formulated many policy tools and strategies. And these were accordingly implemented to ensure an achievement of the foregoing objective. As a predominant sector dealing with land resources, the Ministry of Agriculture and Forests (MoAF) has been making concerted effort to curtail land issues resulting from agriculture, livestock and forestry activities at large.

Challenges and Opportunities

What is more challenging is the need to follow a sustainable developmental path. This task seems monumental, but not impossible. For years, the mode of farming has been subsistence one; whereby farmers practiced farming to support its family unit. During the last few decades, there were transitions witnessed in the farming systems, notably in the income generating farm activities such as cash crop cultivation and livestock related activities. Empowering communities to manage forest resources by their own, through what is known as community forestry, is becoming very popular these days. The most recent scoping strategy relished by the government is to lease government reserve forest (GRF) land for purpose of commercial agriculture (CA).

Challenges

- With less than 3% cultivated agriculture land area; there is increasing pressure on the available land resources.
- When resources become scarce, farmers will opt to cultivate on marginal land and may lead to physical land degradation. The pressure on forest resources increases, thus posing threat to 60% forest coverage required by the Constitution.
- The current distribution of registered land parcels are scattered, which would entail high cost of production if it were to go for CA. Therefore, this is highly impractical as there will be high demand for GRF land.
- Due to absence of CA policy, potential “land” are being left under-utilized. Therefore, this has lead to ad-hoc issuance of “land”, which may give rise to associated problems in future.
- Population increases annually. This increases the daily demand for agriculture, livestock and forest products. As a consequence, this may breed poverty. What is more? With limited job opportunities in the market, emergence of complex social problem is also inevitable.
- Environmental degradation due to large scale commercial activities involving use of chemicals.
- Inter-community conflict.
- Competing claims of GRF land by different users.

Opportunities

- Development and promotion of a profitable agricultural production and marketing system, such that agricultural products are competitive locally, regionally and internationally.
- Make use of those areas that are potential for agriculture production, which currently are being under-utilized.
- Promote large-scale farming, which could bring down the cost of production, thereby facilitating export opportunities.
- There is limited registered land for large scale farming. So, for transition from subsistence to CA, it would be economically viable to have a set up on a large piece of “land”, as opposed to farming on land parcels scattered everywhere.
- Promote formation of farmer groups and cooperatives.
- The “land” would promote commercial plantation with command area being much larger.
- The CA would ease unemployment by creating various job opportunities.

- The “land” for CA would enhance PPP/FDI ventures, present locals and communities with various opportunities and provide sizable revenue for the government.
- The CA would contribute towards attainment of food security and promote food self-sufficiency.

Definition

Commercial agriculture means development and promotion of economically viable agricultural enterprise through optimum utilization of GRF land and marketing system, such that these products are competitive locally, regionally and internationally.

Commercialization of agriculture should also promote and develop an efficient, competitive and sustainable agricultural sector for food security and improved livelihood while conserving the forest and environment.

Commercial agriculture, within this guideline’s purview, would include the following;

1. Field Crops
2. Horticulture and vegetable
3. Livestock farming

Applicant means household, company, registered cooperative, registered group and organization.

Purpose and Objectives

Purpose

The purpose of this guideline is to, ‘provide an enabling policy platform for commercial agriculture while ensuring sustainable land resource use for income generating agricultural activities’.

This guideline is intended as an interim arrangement till the Land Policy, 2011 is approved and the Land Act 2007 is amended. The current arrangement is based on the Land Act 2007 and also on the practical experiences gained while handling land lease cases.

Objective

In conjunction to the above purpose, the primary objectives of this guideline are:

1. To advocate planned utilization and management of land resources potential for CA.
2. To increase and diversify agricultural productions.
3. To create an avenue for skilled and unskilled employment opportunities.
4. To create an enabling environment for equitable access to land resources irrespective of gender, religion and ethnicity or way of life.

Guidelines

The guideline will enable the government to achieve sustainable development in a fair, consistent and equitable manner. It is intended to provide procedure for leasing out GRF land for CA that is held in common and has been identified especially for common use by the proponent. This tool will assert its jurisdiction through the following statements.

- a. The Royal Government of Bhutan (RGoB) shall encourage developing a long-term sustainable lease venture with an initial term of 30 years, which is subject to renewal.
- b. Government shall have the exclusive right to take over the “land” in the interest of the nation. However, taking over of the land shall be done only under unavoidable circumstances to secure the position of lessee in a vibrant society. Compensation modalities for such acquisition shall be assessed by competent authority, such as Property Assessment and Valuation Authority (PAVA).
- c. The respective department/agency of the Ministry shall have its own standard guidelines governing project management plans and proposals with standard tools and requirements.
- d. Lease proposal submitted by the proponent shall be assessed by the concerned relevant department/agency of the Ministry(s). In view of socio-economic and technical grounds, government shall have the right to disapprove the proposal.
- e. The lessee shall have the leasehold rights on the “land”.
- f. The community impact assessment of the proposed activity shall be carried out to weigh the socio-economic and cultural impact on the community/region. This will also ensure that the right of accessibility to harvest any products including non-wood forest products (NWFP) is not compromised.
- g. The use and management of the “land” by the leaseholder shall be governed by the terms and conditions of lease. There shall be timely monitoring and evaluation mechanism to ensure proper use of the “land” for intended activity.

- h. The government shall facilitate CA development by providing access to GRF land. However, any other additional infrastructure and maintenance of it shall not be the burden of the RGoB.
- i. There shall be a mechanism to create a right of entry, easement and respect to customary right for any individual, community and government for accessing and (or) providing indispensable services.
- j. Any allied activities or development to be undertaken as part of the proposed activity shall observe existing environmental assessment tools and ethics.
- k. Leasing of “land” to FDI Company shall be in compliance with the existing government rules and regulations.
- l. In any circumstances, the “land” shall not be mortgaged or sublet.
- m. Each Dzongkhag shall maintain the inventory of areas that have potential for CA development to ensure constitutional requirement of 60% forest coverage.
- n. GRF land suitable for cereal production shall be leased only for growing cereal crops.
- o. The Government shall not allow introduction of invasive species for all CA ventures.
- p. The Government shall promote lease of marginal and degraded areas for the CA for plantation crop.
- q. The MoAF shall identify disposable and alienable land wherever possible and the NLC will assist the Ministry.

Eligibility Criteria

The eligibility criteria for the CA ventures shall be based on the activities that have the highest potential to enhance the rural livelihood within the framework of sustainable development and food security:

1. Eligibility criteria:

- Following are eligible for the lease of GRF land for CA:
 - Bonafide Bhutanese above the age of 18 years
 - Company (both national and FDI)
 - Registered Cooperatives
 - Registered Farmers Group
 - Government Organization
- Applicant shall submit business proposal of the enterprise.
- In case of more than one applicant for the same product, the priority shall be based on first come first basis and on the overall soundness of the proposal (sustainability, employment generation, Organic farming and overall benefits to the community).

- Local resident shall be given preference to lease from the same locality/Dzongkhag based on the nature of proposal to reduce rural-urban migration.

2. Physical area eligibility

- The Government shall encourage CA venture near the road, settlement and easily available water source to minimize social-cost and environmental degradation. However, priority shall be given to utilize marginal and degraded land to rehabilitate environment.
- A buffer zone shall be maintained around the urban boundary for future expansion.
- While Government shall restrict CA venture in critical water shed, FMU, community forestry, protected area, recreational areas and area with rich biodiversity/conservation significance, the buffer zone shall be maintained around the same as per the rules and regulations.
- CA venture shall be avoided in the areas where it would create secluded and dotted activity inside the GRF land.
- In view of the importance for the preservation of local cultural heritage, those areas with Nyes and religious monuments shall be restricted for lease.

Crop priority for lease

Field crops

- Cereals
- Legumes
- Oil seeds

Horticultural crops

- Fruits and nuts
- Spices and herbs
- Medicinal plants
- Plantation crops
- Floriculture

Livestock product

- Honey and other apiculture products
- Dairy
- Poultry

- Meat and meat products
- Animal feed and fodder
- Silk and lac

Project Proposal:

As per the Section 210 of the Land Act of Bhutan 2007, the project proposal shall specify the following:

1. Type of production
2. Level of production
3. Source of fund
4. Location of the farm
5. Source of land and
6. Arrangement for the farm products

Procedure for Land Lease

1. The proponent shall identify and propose appropriate GRF land for lease and accordingly prepare project proposal using standard tools and guidelines with support from a respective department/agency and submit to the Dzongkhag Land Lease Committee (DLLC) in Form CA_1.
2. The Dzongkhag Land Lease Committee upon receipt of the proposal shall carry out field verification using Form CA_2 and seek all necessary clearances.
3. The DLLC shall compile and forward assessment report to the Ministry of Agriculture and Forests for recommended proposals in Form CA_3.
4. In case the proposal is not feasible, DLLC shall return the proposal to the proponent with appropriate justification in Form CA_6.
5. The Ministry upon receipt of the proposal shall review and Technical Working Committee (TWC) may make field verification if necessary.
6. Based on the review or findings of the TWC, the Ministry shall endorse the lease proposal and submit to the National Land Commission for final approval in Form CA_4. However, in case of non-approval, the Ministry shall return the proposal to the Dzongkhag in Form CA_5.
7. The National Land Commission shall intimate their decision of endorsement of the proposal with the Ministry and the proponent(s). The Commission Secretariat shall record the land on lease in the name of the farm and inform the Local Authority to release and handover the land to the entrepreneur establishing the farm.
8. Upon endorsement of the proposal, Dzongkhag shall execute a lease agreement with the proponent(s).

9. The proponent shall draw up the management plan based on the lease agreement.
10. Based on the terms and conditions of the lease agreement, the Dzongkhag shall carry-out timely monitoring and evaluation of the intended activity and report to the Ministry for the same.

Roles and Responsibilities

Proponent

- a. Identify and propose appropriate GRF land for lease.
- b. Prepare project proposal with support from a respective department/agency and submit to the DLLC.
- c. Ensure that DLLC submits the proposal along with clearances and their assessment report to the MoAF.
- d. Follow up on the outcomes of the proposal submitted.
- e. Make sure that leased land is used for proposed activity only and to strictly abide by the terms and conditions of the lease agreement signed.
- f. Have the leasehold to the land thus leased.
- g. Draw up management plan based on the lease agreement.

Local Community

- a. Ensure community clearance taking into consideration the impact of the proposed project on the community's socio-economy, culture, right of entry, easement and customary rights. If clearance is declined, the same land shall not be considered for similar use by the MoAF & NLC.

Dzongkhag

- a. Carry out field verification based on the proposal submitted by the proponent.
- b. Seek all necessary clearances (Forestry, Agriculture, Environmental, Community clearance) with the help of the proponent.
- c. Compile and forward assessment report to the Ministry for recommended proposals.
- d. Return the proposal to the proponent for further improvement or to explore and request for alternative locations in the same Dzongkhag/area if the proposal is not feasible.
- e. Execute a lease agreement with the proponent(s) upon endorsement of the proposal by the National Land Commission.
- f. Carry-out timely monitoring and evaluation of the intended activity and submit quarterly report of the land leased to the MoAF with copy to NLC.

- g. Survey the proposed land while allocating to the proponent after approval of the proposed lease activity.

Ministry of Agriculture and Forests

- a. Review the proposal and if necessary, depute TWC for field verification of the proposal.
- b. Based on the review or findings of the TWC, approve the lease proposal and submit to National Land Commission for final endorsement.
- c. Return the proposal to the Dzongkhag in case of non-approval.
- d. Maintain a record of GRF land leased and provide a copy of the record to the NLC and dzongkhag concerned.

Technical Working Committee

- a. Study the proposal if it is in line with relevant laws/policies governing use of GRF land.
- b. Carry out field verification of the proposal as instructed by the Ministry.
- c. Prepare technical report based on the findings and submit decision advice to the Ministry.

National Land Commission

- a. Endorse the proposal and intimate the same with the Ministry and proponent.

Clearances required

The clearances required for GRF Land Lease for CA shall be obtained as per the existing procedures. The following clearances will be required.

1. Forestry clearance
2. Environment clearance
3. Community consultation

Offences and Penalties:

The concerned monitoring agencies shall inform the proponent the offences and penalties with regards to CA which is liable in accordance to the Section 298 (h) and (f) of the Land Act of Bhutan 2007 if they fail to abide by the Section 90 and 139 of the Act.

Annexures:

1. Proponent application Form CA_1
2. Assessment Form CA_2
3. Assessment Report to MoAF Form CA_3
4. MoAF Approval submission to NLC Form CA_4
5. MoAF non-approval to Dzongkhag Form CA_5
6. Dzongkhag non-endorsement to Proponent Form CA_6

**APPLICATION FORM TO LEASE GRF LAND FOR COMMERCIAL
AGRICULTURE
(To be filled up by the Applicant)**

**The Chairperson
DLLC,
Dzongkhag:**.....

Date:.....

Sub: Lease of GRF Land for Commercial Agriculture

1. Details of Applicant:

For Individual/Family	For Organization/Institution/Community Group
a) Name:.....	a) Organization/Dept./Agency/Community name:.....
b) Identity card No:.....
c) House No:.....
d) Thram No:.....	b) Post Box.....
e) Chiwog /Village:.....	c) Address:.....
f) Gewog:.....
g) Dungkhag/Dzongkhag:.....
h) Contact Number:.....	d) Contact Number:.....
	e) Fax Number:.....

2. Details of Land requested for lease:

Attributes	Details
Purpose	
Name of the land	
Area (acres)	
Village/ Gewog	
Dungkhag/ Dzongkhag	

3. Attachments Enclosed:

No	Attachments	Tick
1	Project Proposal	
2	Sketch Map of the land requested for lease	

Signature of Applicant:

ASSESSMENT FORM TO LEASE GRF LAND FOR COMMERCIAL AGRICULTURE

(To be filled up by the verification team)

1. Status of GRF Land Requested:

No.	Attributes	% of total area proposed
1.1	Dense forest (Crown cover > 40%)	
1.2	Degraded forest (Crown cover < 10%)	
1.3	Land with profuse regeneration	
1.4	Barren land (No trees)	
1.5	Erosion prone with Very high intensity	
1.6	Erosion prone with Medium intensity	
1.7	Erosion prone with Low intensity	
1.8	Potential for commercial agriculture production	

2. Topography of GRF Land Requested:

No.	Slope	% of total area proposed
2.1	Very steep (above 60°)	
2.2	Steep slope (46° - 60°)	
2.3	Gentle slope (below 45°)	
2.4	Flat land (below 20°)	

3. Land attributes (Tick):

- 3.1. Inside/Outside Catchment area
- 3.2. Inside/Outside core zone of any Protected Area
- 3.3. Land surrounded by pristine forest/settlement/:
- 3.4. Within 600' up-hill/300' down-hill of the National Highway (name):
- 3.5. Near Monastery/Nye Monuments (Name):

.....

4. Forest Clearance as per the Forest & Nature Conservation Act and Rules.

- 4.1 Forest clearance from the DFO or the Park Manager concerned.

5. Adequacy of the area for the applied purposes

Type of Activities/Components of the proposed project	Area required (acres)
Total	

**ASSESSMENT FORM TO LEASE GRF LAND FOR COMMERCIAL
AGRICULTURE
(To be filled up by the verification team)**

6. Will the applied purposes have any adverse implications on the surrounding environment based on community/stakeholder consultation and consent?

Issues	Impact	Clearance from concerned stakeholders (Tick if attached)			Reason (if no consent provided)
		Forests	Environment	Community	

7. Presence of endangered/endemic flora and fauna

Species (list)	Likely impact on its habitat	Mitigation Measure
Flora		
Fauna		

8. Project proposal made in consultation with respective Department/Agency, MoAF
Yes/No

9. Sketch map attached: Yes/No

**ASSESSMENT FORM TO LEASE GRF LAND FOR COMMERCIAL
AGRICULTURE**

(To be filled up by the verification team)

10. Recommendation of the team based on the above observation: (Tick)

10.1 Recommended for submission to the Ministry of Agriculture and Forests:

10.2 Not recommended for submission to the Ministry of Agriculture and Forests:

11. Name and Signature of Verification Team: Date:

12. Verified by the DLLC: Initial/Seal

Date:.....

**PRELIMINARY ASSESSMENT REPORT TO LEASE GRF LAND FOR
COMMERCIAL AGRICULTURE
(To be filled up by the Dzongkhag Administration)**

Reference No:.....

Date:.....

The Secretary,
Ministry of Agriculture and Forests
Thimphu

Subject: Assessment Report to Lease GRF Land for Commercial Agriculture

The DLLC of ----- Dzongkhag, hereby submits the attached application and assessment report to lease GRF land for Commercial Agriculture.

1. Attachments Enclosed:

No	Attachments	Tick
1	Application from the Applicant	
2	Commercial Agriculture Project Proposal	
3	Assessment Report	
4	Sketch Map	
5	Concerned Stakeholder Clearances	

2. Assessment Summary:

No	Assessment Parameters	Assessment
1	Status of GRF Land Requested	
2	Topography of GRF Land Requested	
3	Land attributes	
4	Area available (acres)	
5	Adequacy of land	
6	Implications on the surrounding environment	
7	Endangered/Endemic flora and fauna	
8	Potential for commercial agriculture production	

3. View of the Dzongkhag

Seal and Signature of the Chairperson, DLLC:

ROYAL GOVERNMENT OF BHUTAN *Annex- CA_4*
MINISTRY OF AGRICULTURE AND FORESTS
ENDORSEMENT FOR LEASE OF GRF LAND FOR COMMERCIAL
AGRICULTURE
(To be filled up by the Ministry of Agriculture and Forests)

Reference No:.....

Date:.....

The Chairman,
National Land Commission,
Thimphu

Subject: Endorsement of Leasing GRF Land for Commercial Agriculture

The Ministry of Agriculture and Forests, upon receipt of application and assessment report for lease of GRF land for Commercial Agriculture pertaining to the following applicant, has duly considered the proposal. The details of the applicant, of the particular land and the views of the Ministry are as follows.

1. Details of Applicant:

For Individual/Family	For Organization/Institution/Community Group
a) Name:.....	a) Organization/Dept./Agency/Community name:.....
b) Identity card No:.....
c) House No:.....
d) Thram No:.....	b) Post Box.....
e) Chiwog:.....	c) Address:.....
f) Village:.....
g) Gewog:.....
h) Dungkhag/Dzongkhag:.....	d) Contact Number:.....
i) Contact Number:.....	e) Fax Number:.....

2. Details of Land requested for lease:

Attributes	Details
Purpose	
Name of the land (if any)	
Area (acres)	
Village	
Gewog	
Dungkhag/ Dzongkhag	

ROYAL GOVERNMENT OF BHUTAN *Annex- CA_4*
MINISTRY OF AGRICULTURE AND FORESTS
ENDORSEMENT FOR LEASE OF GRF LAND FOR COMMERCIAL
AGRICULTURE
(To be filled up by the Ministry of Agriculture and Forests)

3. Attachments Enclosed:

No	Attachments	Tick
1	Application from the Applicant	
2	Commercial Agriculture Project Proposal	
3	Assessment Report	
4	Location Map	
5	Concerned Stakeholder Clearances	
	5.1	
	5.2	
	5.3	
	5.4	

4. Consideration by the MoAF Technical Working Committee

Consistency/Harmony	Assessment
Forest Policies and plans	
Agriculture Development Policies and Plans	
Livestock Development Policies and Plans	
Regulations on GRF land management	
Preliminary cost benefit analysis	

Based on the above considerations, the Ministry has assessed this particular application to be suitable for further processing.

We request the National Land Commission to endorse the proposal, upon which the Ministry shall initiate preparation of the management plan with the applicant in consultation with the concerned Dungkha/Dzongkhag Administration. Accordingly, we shall also draw up the lease agreement with the applicant and forward the details for your records.

Secretary, Ministry of Agriculture and Forests/Seal and Signed

Date:

CC:

1. The Director General, Department of Livestock for necessary follow up actions and records
2. The Director, Department of Forest and Park Services for necessary follow up actions and records
3. The Director, Department of Agriculture for necessary follow up actions and records
4. The Dzongdag,Dzongkhag Administration

Annex- CA_5

ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE AND FORESTS
NON-ENDORSEMENT FOR LEASE OF GRF LAND FOR COMMERCIAL
AGRICULTURE
(To be filled up by the Ministry of Agriculture and Forests)

Reference No:.....

Date:.....

The Dzongdag,
Dzongkhag Administration
.....

Subject: Non-Endorsement of Leasing GRF Land for Commercial Agriculture

The Ministry of Agriculture and Forests, upon receipt of application and assessment report for lease of GRF land for Commercial Agriculture pertaining to the applicant mentioned through your communication no....., has duly considered the proposal as follows.

Consideration by the MoAF Technical Working Committee

Consistency/Harmony	Assessment
Forest Policies and plans	
Agriculture Development Policies and Plans	
Livestock Development Policies and Plans	
Regulations on GRF land management	
Preliminary cost benefit analysis	

Based on the above considerations, the Ministry is not in a position to endorse the proposal. We request the Dzongkhag Administration of -----to convey the same to the applicant. It is hereby suggested that alternative locations in the same Dzongkhag/area be explored.

Secretary, Ministry of Agriculture and Forests/Seal and Signed

Date:

CC:

1. The Secretary, National Land Commission Secretariat
2. The Director General, Department of Livestock for necessary follow up actions and records
3. The Director, Department of Forest and Park Services for necessary follow up actions and records
4. The Director, Department of Agriculture for necessary follow up actions and records

**NON-ENDORSEMENT FOR LEASE OF GRF LAND FOR COMMERCIAL
AGRICULTURE**

(To be filled up by the Dzongkhag Administration)

Reference No:.....

Date:.....

To.....

.....

.....

Subject: Non-Endorsement of Leasing GRF Land for Commercial Agriculture

The DLLC of Dzongkhag, upon receipt of your application to lease GRF land for commercial agriculture, pertaining to the land mentioned in section 1, has duly considered the proposal and upon conducting the assessment has concluded that proposal cannot be recommended further for reasons mentioned in section 2 of this form.

4. Details of Land requested for lease:

Attributes	Details
Purpose	
Name of the land (if any)	
Area (acres)	
Village/ Gewog	
Dungkhag/ Dzongkhag	

5. Consideration by the Dzongkhag Administration

No	Assessment Parameters	Assessment
1	Status of GRF Land Requested	
2	Topography of GRF Land Requested	
3	Land attributes	

**NON-ENDORSEMENT FOR LEASE OF GRF LAND FOR COMMERCIAL
AGRICULTURE
(To be filled up by the Dzongkhag Administration)**

No	Assessment Parameters	Assessment
4	Area available (acres)	
5	Adequacy of land	
6	Implications on the surrounding environment	
7	Endangered/Endemic flora and fauna	
8	Potential for commercial agriculture production	

We request you to explore and request for alternative locations in the same Dzongkhag/area for the same.

Seal and Signature of the Chairperson, DLLC:

Date: