



SURFACE COLLECTION RULES AND REGULATIONS, 2024



**MINISTRY OF ENERGY AND NATURAL RESOURCE
ROYAL GOVERNMENT OF BHUTAN**



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Ministry of Energy and Natural Resources
Royal Government of Bhutan
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FOREWORD

The Ministry of Energy and Natural Resources is pleased to adopt and announce the Surface Collection Rules and Regulations, 2024 of the Royal Government of Bhutan. The rules and regulations envisage to streamline the allocation procedures, eligibility, regulatory requirements of surface collection and dredging activities for sand, stone and boulders in line with the provisions of the Mines and Minerals Management Act 1995.

The rules and regulations are designed to regulate and manage surface collection and dredging activities, to facilitate the sustainable sourcing of construction materials for both rural and commercial purposes, and to streamline procedures for enhanced efficiency and transparency. It would serve as a crucial framework, guiding government agencies in supporting private sector development and fostering economic growth of the country.

Surface collection and dredging activities like mining and quarrying are also vital for revenue generation, job creation and promotion of economic activity and private sector participation in the economic development of the country. As we embark on the implementation of the Surface Collection Rules and Regulations, 2024, we reaffirm our commitment to responsible management and sustainable utilization of our natural resources in the country.

In this regard, the Ministry of Energy and Natural Resources and the Royal Government of Bhutan solicit the full cooperation of all the stakeholders in the implementation of the Surface Collection Rules and Regulations, 2024.




28/6/2024
(Gem Tshering)

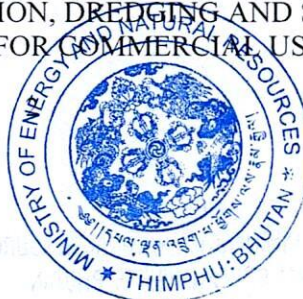
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TABLE OF CONTENT

CHAPTER 1.....	4
PRELIMINARY.....	4
Title.....	4
Commencement.....	4
Extent.....	4
Scope	4
Objectives.....	4
CHAPTER 2.....	5
POWERS AND FUNCTIONS.....	5
Powers and Functions of the Ministry of Energy and Natural Resources	5
Powers and functions of the Department of Geology and Mines	5
Enforcement Powers	6
CHAPTER 3.....	7
SITES FOR SURFACE COLLECTION AND DREDGING.....	7
Collection from Land Surface.....	7
Surface collection and dredging from Riverbed.....	8
Stock lifting of stones and boulder from Road Right of Way.....	8
CHAPTER 4.....	9
ELIGIBILITY AND MODE OF ALLOTMENT FOR COMMERCIAL PURPOSE.....	9
Mode of Allotment.....	9
Reserved Price.....	9
Auction.....	9
Eligibility.....	9
Bidding Procedures for auction of surface collection and dredging sites.....	9
Subletting.....	10
Direct Allotment.....	11
Validity and Renewal.....	13
CHAPTER 5.....	14
SURFACE COLLECTION OF STONES AND BOULDERS FOR RURAL USE.....	14
Application Procedure.....	14
CHAPTER 6.....	15
SURFACE COLLECTION AND DREDGING FOR MITIGATION ACTIVITIES.....	15
CHAPTER 7.....	17
LIFTING OF STONES AND BOULDERS FROM ROAD RIGHT OF WAY.....	17
CHAPTER 8.....	19
OPERATION OF SURFACE COLLECTION AND DREDGING ACTIVITIES.....	19
Dredging in riverbeds and riverbanks.....	19



Surface collection from Land Surface.....	19
CHAPTER 9.....	20
Application Procedure for rural use.....	21
Stock lifting of sand from Road Right of Way.....	22
CHAPTER 10.....	23
TRANSPORT AND SALE OF SAND, STONES AND BOULDERS.....	23
Domestic transport and sale of sand, stones and boulders.....	23
Export of stones and boulders.....	23
CHAPTER 11.....	24
MONITORING AND EVALUATION.....	24
Joint Monitoring.....	24
CHAPTER 12.....	25
CLOSURE OF SURFACE COLLECTION AND DREDGING SITES.....	25
Closure of surface collection and dredging on river bed.....	25
Closure of surface collection from land surface.....	26
CHAPTER 13.....	27
OFFENSE AND PENALTIES.....	27
Subsequent Offense.....	28
CHAPTER 14.....	29
REPORTING AND RECORD KEEPING.....	29
Permit Holder.....	29
Department.....	29
CHAPTER 15.....	30
MISCELLANEOUS.....	30
Rules of Construction.....	30
Amendment.....	30
Definitions.....	30
ANNEXURE I.....	32
APPLICATION FOR SURFACE COLLECTION AND DREDGING OF SAND, STONES AND BOULDER FOR COMMERCIAL PURPOSE.....	32
ANNEXURE II.....	34
APPLICATION FORM FOR SURFACE COLLECTION OF SAND, STONES AND BOULDERS FOR RURAL USE.....	34
ANNEXURE III.....	36
VERIFICATION REPORT ON SURFACE COLLECTION AND DREDGING OF SAND, STONES AND BOULDERS FOR COMMERCIAL USE.....	36
ANNEXURE IV.....	38
PERMIT FOR SURFACE COLLECTION, DREDGING AND STOCK LIFTING OF SAND, STONES AND BOULDERS FOR COMMERCIAL USE.....	38



ANNEXURE V.....	41
PERMIT FOR SURFACE COLLECTION AND DREDGING OF SAND, STONES AND BOULDERS FOR RURAL USE.....	41
ANNEXURE VI.....	43
FORMATS AND REQUIREMENTS FOR CLOSURE PLAN.....	43
ANNEXURE VII.....	44
CLOSURE NOTIFICATION FOR SURFACE COLLECTION AND DREDGING SITE..	44
ANNEXURE VIII.....	45
QUARTERLY REPORT FOR SURFACE COLLECTION AND DREDGING FOR COMMERCIAL PURPOSE.....	45


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ROYAL GOVERNMENT OF BHUTAN



CHAPTER 1 PRELIMINARY

Title

1. This Rules and Regulations shall be called the Surface Collection Rules and Regulations, 2024.

Commencement

2. This Rules and Regulations shall come into force on the 1st Day of July, 2024.

Extent

3. This Rules and Regulations shall extend to the whole of the Kingdom of Bhutan.

Scope

4. This Rules shall apply for surface collection and dredging of stones and boulders and sand from the land surface and river bed.

Transitional and Saving clause

5. Any surface collection allowed or permitted before the enforcement of these Rules and Regulations shall remain in effect until the expiry of its term; and monitoring and evaluation shall be conducted according to the contract document signed or permit issued prior to the commencement of this Rules.

Objectives

6. The main objectives of this Rules are to:
 - (1) Regulate and manage surface collection and dredging activities;
 - (2) Facilitate the sourcing of construction material for rural purpose and commercial use of stones and boulders; and
 - (3) Streamline the procedures and requirements for surface collection and dredging.


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CHAPTER 2

POWERS AND FUNCTIONS

Powers and Functions of the Ministry of Energy and Natural Resources

7. The Ministry shall in exercise of powers enshrined under Section 9 of the Act shall have the following powers and functions:
- (1) Endorse policy, strategy, Rules and Regulations, related to management and administration of surface collection and dredging activity;
 - (2) Propose the revision of royalty rates and mineral rent for surface collection and dredging; and
 - (3) Approve the auction of the surface collection and dredging activity.
8. In exercise of powers enshrined under Section 10 of the Act, the Ministry delegates the power for administration and management of surface collection to the Department of Geology and Mines.

Powers and functions of the Department of Geology and Mines

9. The Department shall exercise the following powers and functions as per Section 7 and 8 of this Rules:
- (1) Implement this Rules;
 - (2) Prepare and approve all the standard operating procedures and technical guidelines necessary in implementation of this Rules;
 - (3) Carry out the assessment of any potential site for surface collection and dredging for auction;
 - (4) Submit proposal to the Ministry for approval of auction of surface collection and dredging;
 - (5) Approve direct allocation of sites for surface collection and dredging;
 - (6) Carry out auction of the surface collection and dredging sites;
 - (7) Issue transport permit for transportation of stones and boulders; and
 - (8) Collect royalty and mineral rent as per the Mines and Minerals Management Regulations, 2022 for domestic sale and the Revised Taxes and Levies Act of Bhutan, 2016 for export.


MINISTER
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ROYAL GOVERNMENT OF BHUTAN



Enforcement Powers

10. In exercise of the enforcement powers prescribed under Section 12 of the Act and Section 9 of these Rules, the Department shall have the authority to enforce these Rules and carry out necessary inspection in all the surface collection, dredging sites and lifting of sand, stones and boulders from road right of way; and land development.
11. The authorized inspector under the Department shall exercise the powers as per Section 14(ix) of the Act and Section 115 of the Mines and Minerals Management Regulations, 2022.


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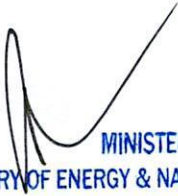
CHAPTER 3

SITES FOR SURFACE COLLECTION AND DREDGING

12. The surface collection and dredging of stones and boulders shall be permitted from land surface and river bed.

Collection from Land Surface

13. The surface collection of stones and boulders from State Reserved Forest land and State Land for rural or commercial purpose shall be allowed upon necessary clearances or recommendation from concerned agencies.
14. The Department may directly allocate surface collection of stones and boulders from the community forest to the Community Forest Management Group as per Chapter 4 of this Rules, if the activity is carried out by the Community Forest Management Group.
15. The surface collection of stones and boulders from community forest shall be allowed upon clearance from the Department of Forests and Park Services.
16. The surface collection from Protected Areas other than core zone shall be allowed for rural or domestic use by the local inhabitants or applicant approved to carry out developmental activities by the Government;
- (1) The surface collection shall be used only for the approved activities;
 - (2) The applicant shall produce construction approval and quantity of materials shall be approved for actual requirement after verification; and
 - (3) The surface collection shall not be allowed for the commercial purpose.
17. The Surface collection of stones and boulders from private registered land shall be permitted for personal use or commercial purpose.
18. The stock lifting of stones and boulders collected as a result of land development shall be permitted for commercial purposes based on the verification by the Department.


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Surface collection and dredging from Riverbed

19. The Surface Collection and dredging from riverbed shall be allowed for rural and commercial purposes.

Stock lifting of stones and boulder from Road Right of Way

20. The stock lifting of stones and boulders from the road right of way shall be allowed for the purpose of construction, repair, maintenance and improvement of the same road based on the verification by the Department.


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CHAPTER 4

ELIGIBILITY AND MODE OF ALLOTMENT FOR COMMERCIAL PURPOSE

Mode of Allotment

21. The surface collection and dredging shall be allotted through direct allotment or auction.

Reserved Price

22. The Department shall assess the site for surface collection and dredging, and fix a reserved price for auction or direct allotment for export.

Auction

23. The surface collection and dredging sites identified and assessed by the Department shall be auctioned.

24. The maximum area of an auction site shall not exceed 25 acres in order to maintain fair and equitable distribution of the surface collection and dredging sites.

Eligibility

25. Any person shall be eligible to participate in the auction and shall be given equal opportunity to bid for the sites.

Bidding Procedures for auction of surface collection and dredging sites

26. The auction of surface collection and dredging sites shall be carried out by the Department based on the following procedures:

- (1) The Department shall notify the general public on surface collection and dredging sites, date and location of auction.
- (2) The Department shall constitute an auction committee through office order based on the site location and number of sites for auction.
- (3) The auction may be carried out through open auction or sealed bid auction and the applicant shall pay earnest money as determined by the Department.


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- (4) The earnest money shall be refundable after the auction or the same amount shall be adjusted in the bid amount for the winning bidder.
- (5) Upon selection of the winning bidder, the selected bidder shall be required to deposit the upfront payment of 15% within 10 working days from the date of auction. The balance amount shall be paid on installment basis as determined by the Department.
- (6) The winning bidder shall submit unconditional Bank Guarantee to the Department as performance security for environmental management works on the amount determined by the Department within ten working days from the date of auction.
- (7) In the event, the winning bidder fails to deposit the upfront payment and unconditional Bank Guarantee as per Section 26(5) and 26(6) of this Rules, the Department shall cancel the bid and the auction committee may decide to award to the next highest bidder or conduct re-auction and the earnest money shall be forfeited by the Department.
- (8) The Department shall award the site for surface collection and dredging to the winning bidder after fulfilling the conditions prescribed under Section 26(5) and 26(6) of this Rules.
- (9) In the event, the winning bidder opts to withdraw the bid before the operation of the site, the earnest money shall be forfeited and shall not be allowed to participate in two subsequent auctions.
- 10) The auction committee may decide on awarding the auctioned site to the next highest bidder or conduct re-auction for the withdrawn site.

Subletting

27. The auctioned site or directly allocated surface collection and dredging sites under this Rules shall not be allowed to sublease or sublet.


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Validity and Renewable

28. The validity of auction of surface collection and dredging shall be for a maximum of five years and shall not be renewed.

Direct Allotment

29. The direct allotment of surface collection and dredging shall be allowed by the Department for the following without reserved price :

- (1) Surface collection and dredging sites identified and assessed by the applicant in State Reserve Forest Land or State Land for domestic commercial purposes; and
- (2) The surface collection sites within the private registered land for personal use or domestic commercial purpose.

30. The direct allotment of surface collection and dredging sites identified and assessed by the applicant from State Reserved Forest Land and State Land for export purpose shall be carried out on the Reserved Price.

31. The direct allotment of surface collection and dredging of stones and boulders in private registered land for export purposes shall be carried out at a reserved price.

32. The surface collection for construction, repair or maintenance of Lhakhangs, Dzongs or any other religious institutions may be allowed on direct allotment upon letter of approval from the Department of Culture and Dzongkha Development for the specific term of the project; and no dredging shall be allowed.

33. The direct allotment of surface collection and dredging for national projects and developmental activities shall be allowed by the Ministry based on the importance of the project and necessary verification by the Department.

34. The Department shall have the right to revoke any direct allotment issued under Section 29,30, 31, 32, and 33 for any violation of terms and conditions of the collection permit or any permit issued under the purview of this Rules; and decide on other means of allotment.


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Eligibility Criteria

35. The surface collection and dredging of stones and boulders shall be allowed for direct allotment as per the following eligibility criteria:

- (1) Any person;
- (2) Not more than two sites at a time; and
- (3) Maximum of 5 acres.

36. The eligibility criteria prescribed under Section 35 of this Rules shall not be applicable to the authorized agency.

Direct Allotment Procedure

37. The applicant shall apply for surface collection and dredging on direct allotment as per the following procedures:

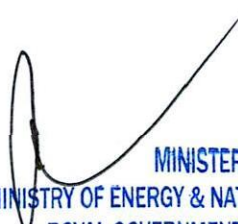
- (1) The applicant shall apply for the surface collection and dredging to the Department as per the form prescribed under *Annexure I* of this Rules.
- (2) The Department shall verify the application and shall conduct site verification for the proposed area for technical feasibility as per *Annexure III* of this Rules.
- (3) The applicant shall obtain forestry clearance and submit to the Department.
- (4) The applicant shall submit Initial Environmental Examination Report and Environmental Management Plan along with a public consultation record endorsed by the local government to the Department.
- (5) The Department shall review the documents submitted under Section 37(4) of this Rules and conduct site verification; if necessary for issuance of Environmental Clearance.
- (6) The applicant shall submit unconditional Bank Guarantee to the Department as performance security for environmental management works on the amount determined by the Department within ten working days from the date of Environmental Clearance.
- (7) The Department shall issue surface collection and dredging permits as per the form prescribed under *Annexure IV* of this Rules.


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Validity and Renewal

38. The validity of direct allotment of surface collection and dredging of stones and boulders shall be for a maximum period of three years and shall not be renewed.
39. The surface collection and dredging sites directly allocated to the authorized agency for domestic commercial purposes, and surface collection on private registered land may be renewed subject to feasibility and verification by the Department.


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CHAPTER 5

SURFACE COLLECTION OF STONES AND BOULDERS FOR RURAL USE

40. The Department shall allot surface collection of stones and boulders for rural use based on the application and shall not be allowed for commercial use.

Eligibility and Requirement

41. The surface collection of stones and boulders for rural use shall be permitted as per the following eligibility criteria and requirement:

- (1) Local resident in rural area;
- (2) Maximum of 20 truckloads of stones and boulders per household per year with standard quantity of 8m³ in each truckload;
- (3) Bhutanese Citizenship Identity Card copy; and
- (4) Recommendation letter from Gup along with approval letters and construction drawings, where applicable.

Application Procedure

42. The application of surface collection of stones and boulders for rural use shall be submitted as per the form prescribed under *Annexure II* of this Rules.

43. The Gup shall verify the application, and recommend to the Department as per the form prescribed under *Annexure II* of this Rules.

44. The Department shall verify the site as per *Annexure III* and issue the permit as per *Annexure V* of this Rules for rural use.


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CHAPTER 6

SURFACE COLLECTION AND DREDGING FOR MITIGATION ACTIVITIES

45. Any planned mitigation activities for disaster risk management shall be allocated through open auction or direct allotment by the Department.
46. The concerned agency shall identify the site for mitigation activity on an annual basis, if necessary.
47. The export of surface collection and dredging materials from the auctioned mitigation site shall be allowed.
48. The surface collection and dredging materials from the directly allocated mitigation sites shall only be allowed for domestic sale.
49. Notwithstanding Section 48 of this Rules, the surface collection and dredging materials may also be allowed for export subject to reserve price, if there is no market for domestic sale.

Application Procedure

50. The concerned agency shall apply to the Department to carry out the mitigation activity as per form prescribed under *Annexure I* of this Rules along with the following:
 - (1) Assessment report and mitigation plan including cost of mitigation; and
 - (2) Location map with polygon and coordinates of the proposed site (kmz. file).
51. The Department and the concerned agency shall carry out assessment of the proposed area for mitigation to validate the potential for surface collection and dredging for commercial purposes as per *Annexure III* of this Rules.
52. The Department and concerned agency shall jointly determine the site to be potential for commercial surface collection and dredging, the site for mitigation works shall be auctioned in line with Section 26 of this Rules.
53. The winning bidder of the auction site shall be required to carry out the mitigation activity as determined by the concerned agency.
54. In the event, the Department and concerned agency jointly determine that the site is not feasible for commercial surface collection and dredging, the site for mitigation works shall be directly allocated in line with Section 37 (3) to 37 (7) of this Rules.

15


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55. The concerned agency shall identify the operators carrying out the mitigation activity for direct allotment.
56. The Department shall allow ad-hoc mitigation activity which has imminent threat to life and property without following the due process under Section 50 to 55 of this Rules in consultation with the concerned agency.

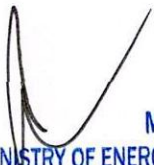

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CHAPTER 7

LIFTING OF STONES AND BOULDERS FROM ROAD RIGHT OF WAY

57. The Department shall allow the stock lifting of stones and boulders from the road right of way where materials are extracted as a result of road widening or road improvement activities.
58. The stock lifting of stones and boulders from road right of way shall be based on the following distance:
- (1) Within 50 feet from the centerline of the road on either side for National Highway;
 - (2) Within 30 feet from the centerline of the road on either side for Dzongkhag road; and
 - (3) Within 20 feet from the centerline of the road on either side for farm road.
59. The use of stones and boulders collected from the road right of way shall be permitted solely for the purpose of construction, repair, maintenance and improvement of the same road in line with Section 161 of Road Act of Bhutan 2013.
60. The stones and boulders collected shall not be permitted for any purpose other than prescribed under Section 59 of this Rules.
61. The permit holder shall not unnecessarily widen the road beyond the standards specified by the Department of Surface Transport for the purpose of extraction of stones and boulders.
62. In the event of collection of stones and boulders beyond the permissible standards specified by the Department of Surface Transport, the Department shall not issue stock lifting permits.
63. Any surface collection activity beyond the road right of way shall be governed by the relevant provisions of the Mines and Minerals Management Act 1995, Mines and Minerals Management Regulations 2022 and this Rules.


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Application Procedures

64. The applicant shall apply to the Department for stock lifting of stones and boulders from road right of way along with the following documents:

- (1) Contract award copy; and
- (2) Recommendation letter from the Department of Surface Transport or concerned agency.

65. The Department shall verify the stock from the road right of way and issue a permit for stock lifting of stones and boulders from the road right of way as per *Annexure IV* of this Rules.


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CHAPTER 8

OPERATION OF SURFACE COLLECTION AND DREDGING ACTIVITIES

Dredging in riverbeds and riverbanks

66. The dredging of stones and boulders from the riverbeds and riverbanks shall be confined within the area demarcated and approved by the Department. The permit holder shall be responsible to erect and maintain visible boundary pillars at their own expense in coordination with the Department.
67. The use of machinery in river dredging shall be confined to removal of stones and boulders buried up to a depth of 3 meters and use of explosives or blasting activities shall not be permitted.
68. The permit holder shall maintain and manage proper channels in the excavated area to ensure the natural flow of water.
69. The permit holder shall maintain a minimum buffer distance of 200 meters upstream and downstream from bridges.
70. The permit holder shall carry out necessary environmental management and mitigation works as per the approved Environmental Management Plan.

Surface collection from Land Surface

71. The surface collection of stones and boulders from land surface shall be confined within the area demarcated and approved by the Department. The permit holder shall be responsible to erect and maintain visible boundary pillars at their own expense in coordination with the Department.
72. The use of machinery in surface collection shall be confined to removal of stones and boulders buried up to a depth of 1.5 meters and use of explosives or blasting activities shall not be permitted.
73. The permit holder shall carry out necessary environmental management and mitigation works as per the approved Environmental Management Plan.


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CHAPTER 9
SURFACE COLLECTION AND DREDGING OF SAND

Sites for surface collection and dredging of sand

74. The surface collection and dredging of sand shall be carried out from land surface, riverbeds and riverbanks.
75. The surface collection and dredging of sand shall be carried out by the authorized agency for both rural and commercial purposes upon necessary clearance from concerned agencies.
76. The surface collection of sand from private registered land shall be carried out by the authorized agency for an area which is more than three acres upon compensation or land substitution as per the Land Act.
77. The Department shall allow the land owner to carry out surface collection of sand for commercial purpose from private registered land less than three acres subject to consent from the authorized agency.
78. The Department shall allow dredging of sand from hydropower dams or reservoirs subject to No Objection Letter from relevant agency and consent from the authorized agency.
79. The Department shall issue a permit or notify the authorized agency to lift the sand stock generated in the process of construction of large national projects on the request of the relevant agency.
80. In the event the authorized agency is not able to lift the sand stock within 6 months from the issuance of the permit or notice, the Department shall have the authority to decide on appropriate measures to lift and dispose off the sand stock.

Sand collection and dredging in riverbeds and riverbanks for commercial purpose

81. The surface collection and dredging of sand from the riverbeds and riverbanks shall be confined within the area demarcated and approved by the Department. The authorized agency shall be responsible to erect and maintain visible boundary pillars at their own expense in coordination with the Department.
82. The use of machinery in river dredging shall be confined to removal of sand and use of explosives or blasting shall not be permitted.


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83. The authorized agency shall maintain and manage proper channels in the excavated area to ensure the natural flow of water.
84. The authorized agency shall maintain a minimum buffer distance of 200 meters upstream and downstream from bridges.

Eligibility and Requirement for rural use

85. The surface collection of sand for rural use shall be permitted as per the following eligibility criteria and requirement:
- (1) Local resident for rural use;
 - (2) Maximum of 7 truckloads of sand per household per year with standard quantity of 8 m³ in each truckload;
 - (3) Bhutanese Citizenship Identity Card copy; and
 - (4) Recommendation letter from Gup along with approval letters and construction drawings, where applicable.

Application Procedure for rural use

86. The application of surface collection of sand for rural use shall be submitted as per the form prescribed under *Annexure II* of this Rules.
87. The Gup shall verify the application and recommend to the Department as per the form prescribed under *Annexure II* of this Rules.
88. The Department shall verify the site as per *Annexure III* and issue the permit as per *Annexure V* of this Rules for rural use.

Supply of sand for rural use

89. The applicant shall avail sand supply for rural use from authorized agencies based on the permit issued by the Department on subsidized rate.
90. In the event the authorized agency is not able to supply the sand in the rural areas, the Department shall allow the collection in coordination with the local government.
91. The sand collected or transported by human or animal shall be allowed without processing for permit and shall be free of royalty and mineral rent.


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Stock lifting of sand from Road Right of Way

92. Any stock lifting of sand from the road right of way shall be allowed for the purpose of construction, repair, maintenance and improvement of the road; and supply of sand for rural use.

Import of sand

93. The import of sand may be allowed based on the demand and supply in the market upon payment of applicable fees and import taxes.

Validity and Renewal

94. The validity of surface collection and dredging of sand shall be for a maximum of three years and shall be subject to renewal based on feasibility and compliance.


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CHAPTER 10
TRANSPORT AND SALE OF SAND, STONES AND BOULDERS

Domestic transport and sale of sand, stones and boulders

95. The domestic sale of sand, stones and boulders shall be allowed upon payment of royalty and mineral rent as per the Mines and Minerals Management Regulations 2022.
96. Any movement of sand, stones and boulders from the collection point to stockyard, construction site or any place of transportation shall be allowed upon issuance of Transport Permit as per *Annex I-Form C* of Mines and Minerals Management Regulations 2022.

Export of stones and boulders

97. The export of stones and boulders shall be allowed upon payment of royalty and mineral rent as per Revised Taxes and Levies Act of Bhutan 2016.
98. The Department shall issue a Transport Permit for export of stones and boulders from collection point or stockyard as per *Annex I-Form C* of Mines and Minerals Management Regulations 2022.


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CHAPTER 11

MONITORING AND EVALUATION

Monitoring by Department

99. The Department shall inspect and monitor all the surface collection and dredging sites once in a month or may conduct spot checks, as frequently as necessary.
100. The Department shall carry out the following monitoring activities:
- (1) Ensure that the permit holder executes operation only within the approved area and prescribed depth;
 - (2) Inspect the requisite permit for transport and sale of surface collection and dredging materials;
 - (3) Ensure compliance to terms and conditions of permit, forestry clearances and environmental clearance;
 - (4) Issue Transport Permit for dispatch of surface collection and dredging of sand, stones and boulders;
 - (5) Ensure that all environmental management works are carried out as per Environmental Management Plan; and
 - (6) Any other works assigned by the Department in exercise of powers of the inspectors enshrined under Section 114 and 115 of Mines and Minerals Management Regulations, 2022.

Joint Monitoring

101. The Department may carry out the monitoring of surface collection and dredging sites engaging relevant stakeholders depending on the area of collection.


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ROYAL GOVERNMENT OF BHUTAN



CHAPTER 12
CLOSURE OF SURFACE COLLECTION AND DREDGING SITES

Closure of surface collection and dredging on river bed

102. The Department shall carry out the assessment to determine the feasibility of the surface collection and dredging site for next auction or allocation three months prior to expiry of the permit.
103. The surface collection and dredging site assessed to be feasible as per Section 102 of this Rules shall be processed for next auction, renewal or allocation as per the procedures defined under Chapter 4 of this Rules.
104. The surface collection and dredging site assessed to be not feasible for auction, renewal or allocation shall be processed for closure.
105. The permit holder of the sites processed for closure shall submit a closure plan three months prior to the expiry of the permit as per the formats and requirements prescribed under *Annexure VI* of this Rules.
106. The Department shall review and approve the closure plan upon which the permit holder shall carry out necessary reclamation and environmental management works of the surface collection and dredging sites as per the approved closure plan.
107. The Department shall verify the reclamation and environmental management works and issue the site closure notification as per the form prescribed under *Annexure VII* of this Rules.
108. The Department shall withhold the Bank Guarantee till the completion of the mitigation works or forfeit and use the amount to carry out the reclamation and environmental management works for closure through a third-party contractor if the permit holder fails to comply with closure plan.
109. The permit holder shall ensure that the Bank Guarantee is valid for at least three months after the expiry of the surface collection and dredging permit.


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MINISTRY OF ENERGY & NATURAL RESOURCES
ROYAL GOVERNMENT OF BHUTAN



Closure of surface collection from land surface.

110. The permit holder of the surface collection and dredging site shall submit a closure plan three months prior to the expiry of the permit as per the formats and requirements prescribed under *Annexure VI* of this Rules.
111. The Department shall review and approve the closure plan upon which the permit holder shall carry out necessary reclamation and environmental management works of the surface collection and dredging sites as per the approved closure plan.
112. The Department shall verify the reclamation and environmental management works and issue the site closure notification as per the prescribed form under *Annexure VII* of this Rules.
113. The Department shall withhold the Bank Guarantee till the completion of the environmental management works, mitigation works or forfeit and use the amount to carry out the reclamation and environmental management works for closure through a third-party contractor except for private registered land, if the permit holder fails to comply with closure plan.


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ROYAL GOVERNMENT OF BHUTAN



CHAPTER 13
OFFENSE AND PENALTIES

114. Any person carrying out surface collection and dredging without permit of the Department is an offense and shall be liable for payment of fine equivalent to twice the value of the material along with confiscation of the material.
115. A permit holder carrying out surface collection or dredging activities outside the approved area or modality prescribed under this Rules is an offense and shall be liable for payment of fine equivalent to twice the value of the material along with confiscation of the material.
116. Any person transporting sand, stones and boulders without a valid transport permit is an offense and shall be liable for payment of fine amounting to Nu. 10,000/- at the first instance and release the material.
117. A permit holder carrying out the surface collection and dredging activity exceeding the depth limits as prescribed under this Rules is an offense and shall be liable for payment of fine amounting to twice the value of the quantity collected.
118. A permit holder failing to carry out the environmental management works as per approved Environmental Management Plan is an offense and shall be liable for payment of fine amounting to Nu. 5,000/- at the first instance.
119. A permit holder failing to comply with the terms and conditions of the permit is an offense and shall be liable for fine amounting to Nu. 5,000/- at the first instance.
120. A permit holder subleasing or subletting the surface collection and dredging sites to any other person in violation of Section 27 of this Rules shall be an offense and the allotted site shall be revoked without any compensation.
121. Any person selling stones, boulders and sand availed for rural use in violation of Section 41 and Section 85 of this Rules shall be an offense and liable for payment of fine amounting to Nu. 10,000/- with confiscation of the material.


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ROYAL GOVERNMENT OF BHUTAN



Subsequent Offense

122. Any person committing any offense under Section 114 to Section 121 of this Rules for a second time and shall be liable for payment of fines amounting to double the initial fines.

123. In the event of repeated offense for more than two instances, the Department shall terminate the permit for surface collection and dredging activity along with the fines imposed under Section 122 of this Rules.

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ROYAL GOVERNMENT OF BHUTAN



CHAPTER 14

REPORTING AND RECORD KEEPING

Permit Holder

124. The permit holder shall maintain an up-to-date registry on the quantity of materials collected and dredged, exported or supplied to domestic use, balance stock from their permitted surface collection and dredging sites.
125. The permit holder shall submit a quarterly report of surface collection and dredging activity to the Department as per the form prescribed under *Annexure VIII* of this Rules.

Department

126. The Department shall maintain a proper record of permits issued for surface collection and dredging activities along with details of the permit holder, location, and area.
127. The Department shall maintain a quarterly report on the quantity of materials collected and dredged, exported or supplied to domestic use and balance stock from the permitted surface collection and dredging sites.


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ROYAL GOVERNMENT OF BHUTAN



CHAPTER 15

MISCELLANEOUS

Rules of Construction

128. In this Rules, the singular includes the plural and the feminine includes the masculine, and vice versa.

Amendment

129. The amendment of these Rules by way of addition, variation may be affected on the approval of the Ministry.

Definitions

130. In this Rules, unless the context otherwise requires:

- (1) "Act" means Mines and Minerals Management Act of Bhutan, 1995
- (2) "authorized agency" means any agency authorized by the Ministry of Energy and Natural Resources for surface collection and dredging activities.
- (3) "Closure Plan" means detailed description of reclamation or mitigation works for environmental, social, health and safety terms for closure of the surface collection and dredging site or its part, including the surrounding area.
- (4) "Concerned Agency" means any Local government, Ministries or government agencies.
- (5) "Department" means Department of Geology and Mines under the Ministry of Energy and Natural Resources.
- (6) "Developmental Activities" means any activity carried out by government agencies in the interest of the nation.
- (7) "Dredging" means extraction and lifting of sand, stones or boulders from riverbeds, river banks, lakes or other water bodies using a dredge or other equipment up to a maximum depth of 3 meters from the surface, and excludes extraction of in-situ and subsurface boulder rocks.

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MINISTRY OF ENERGY & NATURAL RESOURCES
ROYAL GOVERNMENT OF BHUTAN



- (8) “Environmental Management Plan (EMP)” means a plan that specifies the management and mitigation requirements for environmental, social, health and safety aspects during the operation of surface collection and dredging activities.
- (9) “Large National Project” means any hydropower project implemented by the relevant agency under the Royal Government of Bhutan.
- (10) “Ministry” means Ministry of Energy and Natural Resources or any other Ministry responsible for natural resources.
- (11) “Permit” means an approval granted for surface collection and dredging by the department for surface collection of sand, stones and boulders.
- (12) “Permit Holder” means any person as defined under section 130(12) of this Rules and allotted with surface collection and dredging sites for extraction of sand, stones and boulders for rural and commercial use for both domestic and export.
- (13) “Person” means any bonafide Bhutanese citizen, a Bhutanese company, an agency of the Royal Government of Bhutan, a natural person in his or her capacity as a legal representative and any body of persons recognized as a separate legal entity in Bhutan.
- (14) “Reserved Price” means a floor price determined based on the assessed quantity of sand, stones or boulders and the average market value for sale of these minerals for the purpose of auction or direct allotment.
- (15) “Rules” means Surface Collection Rules and Regulations, 2024.
- (16) “Sand” means a granular material composed of finely divided mineral particles formed naturally on the land surface, riverbed and riverbanks.
- (17) “Surface collection” means the lifting of sand, stones or boulders from the surface of land or riverbed or river bank up to maximum depth of 1.5 meters from the surface, and excludes extraction of in-situ and subsurface boulder rocks.
- (18) “Transport Permit” means a permit issued by the Department of Geology and Mines under the Ministry of Energy and Natural Resources for movement of sand, stones, and boulders.
- (19) “Stock lifting” means lifting of sand, stones and boulders from the road right of way or stockyard of land development.


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ROYAL GOVERNMENT OF BHUTAN



ANNEXURE I
APPLICATION FOR SURFACE COLLECTION AND DREDGING OF SAND, STONES
AND BOULDER FOR COMMERCIAL PURPOSE

PART I: Details of the application (To be filled in by the applicant)

- a. Name of individual or entity:
- b. Citizenship ID No/ license number/ incorporation certificate no.:
- c. Postal Address:
- d. Mobile No.:
- e. Email ID:

PART II: Details of the propose surface collection/dredging activity:

- a. Type of activity:

Surface collection ☐ Dredging ☐ Mitigation works ☐

Stock lifting ☐

- b. Type of material (tick):

Sand ☐ Stones ☐ Boulder ☐

- c. Location:

Place/village:

Gewog:

Dzongkhag/Thromde:

- d. Collection site (tick)

Land surface ☐ Riverbeds /Riverbanks ☐ Road Right of Way ☐

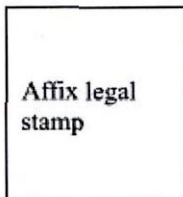
Land development ☐ others ☐

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ROYAL GOVERNMENT OF BHUTAN



- e. Proposed Area (acres):.....
- i. State Reserved Forest Land and (Acres):.....
 - ii. State Land (Acres).....
 - iii. Private registered land (Acres):.....
 - iv. Road Right of Way
- f. No. of surface collection/dredging permits in hand:.....
- g. No. of applications under process:.....

I, hereby certify that the details given above are true to the best of my knowledge. In case of my false or wrong information, I am liable to be penalized under prevailing Mines and Mineral Management Act 1995 and its regulation made there under:



Name & Signature of the applicant:.....

Date:.....

PART III : List of documents to be attached

1. Location map with polygon and coordinates of the proposed site (kmz. file);
2. Copy of Bhutanese Citizenship Identity card in case of individual or Business License under the ownership of a bonafide Bhutanese Citizen in case of firm or Certificate of Incorporation in case of a Bhutanese company;
3. Copy of latest Tax Clearance Certificate in case of licensed business firm or a company;
4. Recommendation Letter from the concerned agency in case of mitigation works or stock lifting from Road Right of Way and land development.
5. Consent for use of private land from land owner (if applicable);

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ROYAL GOVERNMENT OF BHUTAN



ANNEXURE II
APPLICATION FORM FOR SURFACE COLLECTION OF SAND, STONES AND
BOULDERS FOR RURAL USE

PART I: Details of the application (To be filled in by the applicant)

- a. Name:
- b. Citizenship ID No.:
- c. Village:.....
- d. Gewog:
- e. Dzongkhag:
- f. House No.:
- g. Thram No.:
- h. Household No.:
- i. Phone No.:
- j. Email ID (optional):
- k. Details of the materials requested:

S. N.	Material Type (Tick appropriate one)		Quantity (No. of Truckload)	Purpose
1.	Sand			
2.	Stones/boulders			

I, hereby certify that the details given above are true to the best of my knowledge. In case of my false or wrong information, I am liable to be penalized under prevailing Mines and Mineral Management Act 1995 and its regulation made there under:

Affix legal stamp

Name & Signature of the applicant:.....

Date:.....



PART II: Recommendation by Gup (To be filled in by the concerned Gup)

Approval No. for the intended purpose (e.g. construction approval, etc.).....

..... *Dated:*

I..... Gup of Gewog, hereby affirm
that :

1. I have verified the details of the applicant and found it to be true and correct;
2. I have verified the purpose and quantity of material requirements for the above
applicant.

*Therefore, I hereby recommend for approval of the surface collection of sand/stones/boulder
for the proposed rural use.*

Name:..... *Signature:*.....

Seal:..... *Date:*.....

2. Required Attachment

- a. The copy of the approval letter for the intended purpose (e.g. construction approval, etc.)
- b. The copy of the construction drawings, where applicable.


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ANNEXURE III
**VERIFICATION REPORT ON SURFACE COLLECTION AND DREDGING OF SAND,
 STONES AND BOULDERS FOR COMMERCIAL USE**

1. Details of applicant:

- a. Name of applicant:.....
- b. Postal address:
- c. Mobile No.:

2. Location of the proposed site:

- a. Place name/village:
- b. Gewog :.....
- c. Dzongkhag/Thromde:.....
- d. Proposed area (acres):
- i. State Reserved Forest Land:.....
 - ii. State Land:.....
 - iii. Private registered land:.....
 - iv. Road Right of Way:.....
- e. Recommended area (acres):.....

3. Assessment report of the team:

- a. What types of materials are available at the proposed surface collection site (area with coordinates proposed by the applicant)? *(tick)*

Sand ☐ Stones ☐ Boulder ☐

- b. Briefly describe the availability and verified materials in the proposed area.

Type of Materials	Approximate quantity (MT)	Composition %	Size distribution
Sand			
Stones			
Boulders			

c. Likely impact of the proposed surface collection with reference to:

	<i>Name</i>	<i>Distance(m)</i>	<i>Direction</i>	<i>Impact (describe the impact, if YES)</i>
Roads				
Agriculture				
Human settlement				
Water bodies				
Health and safety to the community				
<i>Others(specify)</i>				

4. Recommendation of the verification team:

.....

.....

.....

.....

Submitted by:

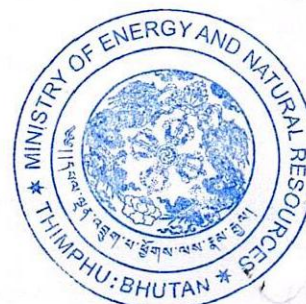
Name and signature:

1.
2.
3.
4.
5.

5. Required attachments:

- a. Location map with polygon and coordinates of the proposed site (kmz. file).
- b. Photographic evidence of the proposed site.
- c. Samples of the material, if required.

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ROYAL GOVERNMENT OF BHUTAN



ANNEXURE IV

PERMIT FOR SURFACE COLLECTION, DREDGING AND STOCK LIFTING OF SAND, STONES AND BOULDERS FOR COMMERCIAL USE

Permit No:

Date:.....

Application No. and Date:

1. Type of activity:

Surface collection ☐ Dredging ☐ Mitigation works ☐

Stock lifting from RRoW ☐ Land development ☐ Others ☐

2. Type of material (tick):

Sand ☐ Stones ☐ Boulders ☐

3. Details of the permit holder:

a. Name of the individual/entity:.....

b. Citizen ID/License No.:.....

c. Postal address:.....

.....

4. Details of the permit:

d. Location of the activity:

Place/village:.....

Gewog:.....

Dzongkhag/Thromde:.....

e. Area (acres):.....

i. State Reserved Forest Land:.....

ii. State Land

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ROYAL GOVERNMENT OF BHUTAN



iii. Private registered land:.....

f. Period:

Start date:.....

End date:.....

g. Duration/validity:.....

5. Permit terms and conditions:

The permit holder shall:

- a. Collect, lift and despatch above mentioned materials permitted from the approved area only (*location map attached*);
- b. Not excavate beyond the prescribed depth for the approved activity under the Surface Collection Rules and Regulations 2024;
- c. Pay the Royalty and Mineral rent at the prescribed rate in advance;
- d. Produce a copy of revenue receipts/deposit proof of Royalty and mineral rent payment to the respective Regional Office of Department upon which a Transport Permit shall be issued;
- e. Transport the materials with a valid Transport Permit issued by the Department only;
- f. Not transfer, sublease or sublet the permit to any other person;
- g. Abide by the provisions of the Mines and Mineral Management Act 1995 and Surface Collection Rules and Regulations 2024;
- h. Comply with Occupational Health and Safety standards specified under the Labour and Employment Act of Bhutan 2007;
- i. Comply with terms and conditions of the Forestry Clearance, Environmental Clearance and other relevant clearances; and
- j. Be dealt as per the provisions of the Mines and Minerals Management Act 1995 and Surface Collection Rules and Regulations 2024 for any non-compliance to the above terms and conditions.

**Chief Engineer
Mining Division**

Copy to:

1. Director, DGM, Thimphu for kind information;
2. Chief Engineer, MPCD, DGM, Thimphu for information;

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ROYAL GOVERNMENT OF BHUTAN



3. Head, Compliance & Monitoring Section, MD, DGM, Thimphu for information;
4. Head, Mines Leasing Section, MD, DGM, Thimphu for information;
5. Information Head, Compliance and Monitoring Section, MD, DGM, Thimphu for information; and
6. Regional Coordinator, DGM, Regional Office for information and strict compliance monitoring.

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ANNEXURE V
PERMIT FOR SURFACE COLLECTION AND DREDGING OF SAND, STONES AND BOULDERS FOR RURAL USE

Permit No:

Date:.....

Application No. and Date:.....

Types of Surface Collection:

Sand

☐

Stones/Boulders

☐

1. Details of the permit holder:

a. Name:.....

b. Citizen ID No.:.....

c. House No.:..... Thram No.:..... Household No.:

d. Location:

Place/village:.....

Gewog:

Dzongkhag:

e. Approved Quantity (No. of Truckloads):

Sand:.....

Stones/Boulders:.....

f. Type of land:.....

2. Permit terms and conditions:

The permit holder shall:

- a. collect, lift and despatch the above-mentioned material from the approved area only;
- b. pay the applicable domestic Royalty and mineral rent amounting to Nu....., in advance;
- c. produce a copy of revenue receipts/deposit proof of Royalty and mineral rent payment to the department upon which a Transport Permit shall be issued;
- d. transport the materials with a valid Transport Permit issued by the Department only;


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MINISTRY OF ENERGY & NATURAL RESOURCES
ROYAL GOVERNMENT OF BHUTAN



- e. abide by the provisions of the Mines and Mineral Management Act 1995 and Surface Collection Rules and Regulations 2024;
- f. be dealt as per the provisions of the Mines and Minerals Management Act 1995 and Surface Collection Rules and Regulations 2024 for any non-compliance to the above terms and conditions.

**Chief Engineer
Mining Division**

Copy to:

1. Director, DGM, Thimphu for kind information;
2. Gup,Gewog for kind information;
3. Chief Engineer, MPCD, DGM, Thimphu for information;
4. Head, Compliance & Monitoring Section, MD, DGM, Thimphu for information;
5. Head, Mines Leasing Section, MD, DGM, Thimphu for information;
6. Information Head, Compliance and Monitoring Section, MD, DGM, Thimphu for information; and
7. Regional Coordinator, DGM, Regional Office for information and strict compliance monitoring.


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ANNEXURE VI
FORMATS AND REQUIREMENTS FOR CLOSURE PLAN

The closure plan for surface collection and dredging sites shall include the following:

1. Salient features:

- a. Details of the permit holder
- b. Location of the site
- c. Permit area

2. Baseline information

The permit holder shall provide information on the existing condition of the collection or dredging site, including the waste dumps and stockyards that require reclamation and mitigation works.

3. Site reclamation and mitigation process

The permit holder shall provide detailed activities to be carried out for reclamation and mitigation of the surface collection or dredging site.

a. Removal of infrastructures

Submit the details of the infrastructure that needs to be removed and the activities involved in removing those structures.

b. Slope Stabilization

Detail out the slope stabilization methods adopted and the constructions and activities involved.

c. Landscaping

Details on how the landscaping is carried out.

d. Plantations

Submit details of plantation and management plan in compliance to Forest and Nature Conservation Act and Rules and Regulations.

e. Additional environmental mitigation works

Provide details on the mitigation requirements for the site for closure such as river embankments, protection walls, drainages, etc.

Include maps, drawings, plans and sections, where relevant.

4. Timeline

Provide the timeline for each activity of the restoration procedure including the total estimated time for completion of the site reclamation and mitigation works.


MINISTER
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ANNEXURE VII
CLOSURE NOTIFICATION FOR SURFACE COLLECTION AND DREDGING SITE

Letter No.....

Date:

The Department of Geology and Mines hereby notifies that all the requirements to formally close the surface collection/dredging site approved vide Permit No.....dated are complete.

The following provides the details of the site:

1. Name of the site:.....
2. Location of the site:.....
Place/village:..... Gewog:.....
Dzongkhag/Thromde:.....
3. Name of the permit holder:.....
4. CID/License No/Certificate of incorporation of the company:.....
5. Postal Address:.....

Therefore, all transactions corresponding to the above surface collection or dredging site hereby ceases from operation.

Director
Department of Geology and Mines

Copy to:

1. Hon'ble Lyonpo, MoENR, Thimphu for kind information;
2. Hon'ble Secretary, MoENR, Thimphu for kind information;
3. Director, DRC, MoF, Thimphu for information;
4. Director, DoFPS, Thimphu for information;
5. Gup, Gewog Administration, Gewog, Dzongkhag for information;
6. Permit holder for information.


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ANNEXURE VIII
QUARTERLY REPORT FOR SURFACE COLLECTION AND DREDGING FOR
COMMERCIAL PURPOSE

1. Details of the site:

- a. Name of the site:.....
- b. Name of the permit holder:.....
- c. CID No./License No.:.....
- d. Mobile No.:.....
- e. Email address:.....

2. Quantities of sand, stones or boulders collected during the quarter:

S. No	Type of material	Quantity collected (MT)	Domestic sale (MT)	Export (MT)	Total sale (MT)

3. Material stock details

S. No	Type of material	Opening balance (MT)	Additional collection (MT)	Total Despatch (MT)	Closing Balance (MT)

4. Generation of waste (with no economic value)

S. No	Type of waste	Total quantity (m ³)	Place of disposal	Method of disposal


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45



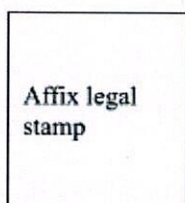
5. Manpower

S.N	Male worker	Female worker	National	Expatriate	Total

6. Royalty and mineral rent:

S.N	Cheque/draft No.	Date	Revenue Receipt No.	Receipt Date	Amount (Nu.)
1					
TOTAL					

I, hereby certify that the details given above are true to the best of my knowledge. In case of my false or wrong information, I am liable to be penalized under prevailing Mines and Mineral Management Act 1995 and its regulation made there under:



Name & Signature of the Permit holder:.....

Date:.....

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