

Summary record of the Seventh meeting of Expert Committee for declaration of Eco-sensitive Zones held on 23rd July 2014 at Indira Paryavaran Bhavan, New Delhi

The seventh meeting of the Expert Committee on Eco-sensitive Zone was held on 23rd July 2014 under the Chairmanship of Shri Hem Pande, Additional Secretary. The list of participants is given at Annexure.

2. At the outset, the Chairman welcomed the members of the Committee and the representatives of the State Governments of Goa, Gujarat and Andhra Pradesh.

3. It was informed that the Ministry of Environment, Forests and Climate Change had issued the following eight draft notifications for declaration of Eco-sensitive zones around the Protected Areas in the States of Gujarat, Andhra Pradesh and Goa:

- (i) Thol Wildlife Sanctuary, Gujarat – S.O. No. 3202 (E) dated 18.10.2013
- (ii) Pulicat Wildlife Sanctuary, Andhra Pradesh – S.O. No. 22 (E) dated 3.1.2014
- (iii) Dr. Salim Ali Bird Sanctuary, Goa – S.O. No. 634 (E) dated 3.4.2014
- (iv) Bhagwan Mahaveer Wildlife Sanctuary and National Park, Goa - S.O. No. 635 (E) dated 3.4.2014
- (v) Cotigao Wildlife Sanctuary, Goa – S.O. No. 630 (E) dated 3.4.2014
- (vi) Bondla Wildlife Sanctuary, Goa – S.O. No. 633 (E) dated 3.4.2014
- (vii) Madei Wildlife Sanctuary, Goa – S.O. No. 632 (E) dated 3.4.2014
- (viii) Netravali Wildlife Sanctuary, Goa– S.O. No. 631 (E) dated 3.4.2014

These draft notifications were placed in the public domain on the website of the Ministry for seeking comments from public. The comments received on the draft notifications were subsequently sent to the concerned State Governments for their consideration and comments/responses on the same.

4. The Committee thereafter took up the Agenda items at Seriatim.

I. ESZ around Thol Wildlife Sanctuary, Gujarat

a. The Committee was informed that a total of 52 comments were received in the Ministry, of which, 3 comments were received by post and 49 comments were received by email. These 49 emails included multiple scanned attachments of letters sent to the PCCF, Gujarat directly. These letters were written in Gujarati. The comments were sent to the State Government for their views/response on the same. The tabular summary of major comments were circulated as agenda papers to the members.

b. The major comments on the draft notification related to removing the proposed prohibition on construction activity in the Eco-sensitive Zone (ESZ) specifically with reference to construction of houses on plots of land purchased by people for residential purposes and who have got non-agricultural (NA) permission from the State Government. It was also mentioned that an ESZ of 500 m around the Wildlife Sanctuary is sufficient for protection of birds and that construction of houses may be allowed beyond 500 m with restriction being imposed on FSI and height.

c. To address the concerns of the people, the State Government proposed that no construction activity shall be allowed up to 500 m from the boundary of the Wildlife Sanctuary, while between 500 m up to 750 m from the boundary of the Sanctuary, residential construction of one floor i.e. only ground floor may be allowed and in case of area between 750 m to 1000 m, two floors i.e. Ground plus first floor may be allowed and further in case of area between 1000 m upto the extent of Eco-sensitive Zone three floors i.e. ground plus two floors may be allowed. It was informed by the State Government representatives that this proposal of the State Government would formally be forwarded to the Ministry shortly. It was informed to the State Government representatives that the survey numbers included in the draft notification may also be reconfirmed.

d. It also emerged during the deliberations that no commercial construction shall be allowed in the Eco-sensitive zone around the Sanctuary. However, to cater to the daily requirements of the local people residing in the ESZ, construction of local shopping complex, convenience stores and amenities as per standard town planning norms may be allowed subject to relevant laws and regulations as applicable. It was also decided that in order to prevent overcrowding of residential units around the Sanctuary, there shall be regulation on the density of residential units. The same should be included by the development plans prepared by Ahmedabad Urban Development Authority. It was decided that no commercial construction would be allowed in the Eco-sensitive Zone.

e. The Committee also deliberated upon the composition of the State Level Eco-sensitive Zone Monitoring Committee (SESZMC). It was proposed by the State Government that the Monitoring Committee shall be chaired by Additional Chief Secretary handling Environment and Forests Departments. The Committee was of the considered view that as various Line Departments are involved in the implementation of the provisions of the Eco-sensitive Zone notification, it would be appropriate that the Chief Secretary heads the Committee as he would be able to provide requisite level of integration between various Line Departments.

It was also proposed by the State Government that local Wildlife Warden may be made as Member Secretary of the Committee. It was decided by the Committee that keeping in view the stature of the Committee, the PCCF (WL) and Chief Wildlife Warden of the State would be the Member Secretary of the SESZMC. It was also decided that the Principal Secretary, Revenue would be member of the Committee. It was also further decided that the various Departments of the State Government shall be represented by the Principal Secretary of the concerned Department.

f. The Committee after detailed deliberations recommended that the draft notification declaring eco-sensitive zone around Thol Wildlife Sanctuary be finalized subject to the following changes:

(i) With reference to construction activity mentioned in the table of activities at point no. 3 (2) in the draft notification in place of complete restriction on construction except for bonafide local needs was proposed, there shall be differential regulation with respect to residential construction activity only. No commercial construction shall be allowed in the Eco-sensitive Zone. Residential construction shall be

regulated as per schedule given below subject to relevant laws and regulations as applicable:

S. No.	Distance from Sanctuary	Residential construction
1	0 to 500 m	No new construction
2	500 m to 750 m	New residential construction of single floor i.e. ground floor
3	750 m to 1000 m	New residential construction of two floors i.e. ground floor and first floor may be allowed
	1000 m up to the extent of the Eco-sensitive Zone	New residential construction of three floors i.e. Ground plus first and second floor may be allowed.

The density of residential units in the ESZ and height of the residential units shall be regulated and included in the Development Plan of the area by Ahmedabad Urban Development Authority. There shall be no commercial construction in the Eco-sensitive Zone, however, construction of local shopping complex, convenience stores and amenities shall be allowed for use of local people as per standard town planning norms and relevant laws and regulations as applicable.

(ii) The SESZMC shall have the following composition in place of the composition given in the draft notification:

- (a) Chief Secretary, Government of Gujarat -Chairman
- (b) Principal Secretary, Department of Urban Development, Government of Gujarat - Member;
- (c) Principal Secretary, Ports and Transport Department, Government of Gujarat - Member;
- (d) a representative of Non-governmental Organizations working in the field of nature conservation (including heritage conservation) to be nominated by the State Government of Gujarat -Member;
- (e) Member Secretary, Gujarat State Pollution Control Board, Gandhi Nagar - Member;
- (f) one expert in Ecology from reputed Institution or University of the State of Gujarat -Member;
- (g) Principal Secretary, Revenue Department, Government of Gujarat -Member;
- (h) PCCF (WL) and Chief Wildlife Warden, Government of Gujarat- Member Secretary.

II. ESZ around Pulicat Wildlife Sanctuary, Andhra Pradesh

a. The Committee was informed that a total of 702 comments were received in the Ministry, of which, 51 comments were received by post and 651 comments were received by email. Most of the comments received on email were of similar type. The Comments were sent to the State Government for their views/response on the same. The tabular summary of the major comments were circulated as agenda papers to the members.

b. The major objections and suggestions received from the stakeholders relate to the increasing the extent of Eco-sensitive zone, the importance of Pulicat lake as a unique fresh water ecosystem, the adverse impact of the proposed Dugarajapatnam port.

c. At the outset, the Committee enquired from the representatives of the State Government of Andhra Pradesh, whether the new State Government after reorganization of the erstwhile unified Andhra Pradesh has approved the proposal of ESZ around Pulicat Wildlife Sanctuary. This is important as draft notification is being considered for final publication in Gazette of India. It was informed by the State Government representatives that the proposal has been sent to the new State Government and the approval was still awaited. The Committee requested the State Government may send their concurrence within 15 days.

d. The Committee also sought clarification from the State Government representative regarding the letter of PCCF written in 2007 indicating the Eco-sensitive Zone around Pulicat to be 5 to 10 km. It was clarified by the State Government representative, that the letter of PCCF was of a generic nature and was issued at a time when no guidelines were available for demarcation of ESZ around Protected Areas in a site specific manner. Subsequently, when the guidelines were made available by the Ministry regarding site specific declaration of ESZ around each PA, the current proposal was developed.

e. The issue of the development of Dugarajapatnam port was deliberated by the Committee, it was enquired by the Committee whether the proposal is still under active consideration of the new State Government, it was informed that there is a Gazette notification for development of the port. Shri Lalit Kapur, Director and Member Secretary, of Expert Appraisal Committee on infrastructure in the Ministry informed the Committee about a field visit undertaken by a Sub-committee of the EAC.

f. It was pointed out during the deliberation that comments for increase in the extent of ESZ are more of general nature and have not provided scientific basis to increase the extent of ESZ.

g. It was noted by the Committee that no ESZ proposal had been received from the Tamil Nadu Government for the Tamil Nadu part of the Pulicat Wildlife Sanctuary. The Committee after deliberations decided that as it is difficult to receive consolidated proposal for PAs which have boundaries touching more than two states, for such PAs, ESZ may be declared in a state-wise manner by processing intra-state proposals rather than inter-state proposals.

III. Eco-sensitive Zone around Protected Areas in Goa

a. The Committee was informed that a total of 85 comments were received in the Ministry, of which, 47 comments were received by post and 38 comments were received by email. The comments were sent to the State Government for their views/response. The tabular summary of the comments had been circulated to the members as part of Agenda papers.

b. The major issues raised in the comments related to the extent of the Eco-sensitive Zone and allowing of phasing out of mining in the ESZ around Bhagwan Mahavir Wildlife Sanctuary and National Park and Netravali Wildlife Sanctuary. Many iron ore mine owners had sent their comments on the draft notifications. It was pointed out that the boundaries of Madei Wildlife Sanctuary and Netravali Wildlife Sanctuary have not been finalized as per the procedure laid down under the Wildlife (Protection) Act, 1972. The claims of land have still to be settled and that there are villages entrapped in these sanctuaries. Similarly, boundary of certain portion of Bhagwan Mahavir Wildlife Sanctuary and National Park have also not been finalized. Further, it was pointed out that sudden closure of mines would adversely affect the socio-economic conditions in Goa. It was also highlighted that the concept natural and artificial barriers need to be further explored. Some of the other comments *inter alia* include increase the extent of ESZ, prescribe timelines for development of Zonal Master Plan, membership of the Monitoring Committee etc.

c. The Principal Secretary, Environment and Forests, Government of Goa elaborated upon the following comments of the State Government on the draft notifications issued by the Ministry:

- I. The one km zone of ESZ around Protected Areas in Goa has been arbitrarily fixed without taking into account ground realities and the site specific requirements of the zones.
- II. In case of Sikkim, which has got geographic area of almost twice that of Goa the Eco-sensitive Zone has been notified between 25 m and 200 m while for Goa it has been uniformly kept at 1 km. It was also pointed out that the density of population of Goa is 393.77 as compared to 85.64 of Sikkim.
- III. Goa is a small state and the Protected Area of the in the State of Goa constitute 20 % of its geographical area and no development is permitted in these areas.
- IV. Bhagwan Mahaveer Wildlife Sanctuary has been notified under Section 18 of Wildlife Protection Act. There are still claims over Bhagwan Mahaveer Wildlife Sanctuary which are yet to be finalized. The Goa side of Bhagwan Mahaveer Wildlife Sanctuary has thickly populated villages. Locals are dependent on mining activities, cultivation and small business.
- V. Netravali and Madei Wildlife Sanctuaries have been notified in 1999 during Presidents rule in the State when there was no popular Government in the State. Apparently, there are 32 densely populated villages which have got entrapped. Some of the areas of Netravali and Madei WLS are partly notified under Section 18 and partly under Section 26 of WP Act and the claims on the lands are yet to be settled.
- VI. The ESZ around Cotigao has been enlarged to have a uniform extent of 3 km while all other sanctuaries have an extent of 1 km. There are many villages inside the proposed ESZ and the NH 17 passes through the ESZ.

- VII. The Salim Ali Bird sanctuary is surrounded on three sides by rivers which are extensively used for navigational purposes. The Eco-sensitive Zone of 1 km extends on the opposite bank into thickly populated areas of Panaji including parts of the State Government Secretariat. The eastern side of the Sanctuary is abutted by Choarao village which does not have any mining activity and predominately has Khazan lands. Further, the area is full of settlements.
- VIII. Whereas one km zone is fixed on the Goa side of the boundary; no zone has been fixed on the Karnataka side. In case of Bhagwan Mahaveer WLS, any adverse developments in the high altitude areas on the Karnataka side are bound to affect the sanctuary.
- IX. About 1.5 lakhs population is directly or indirectly impacted because of the stoppage of mining activity and the people have lost their employment. Besides there has been tremendous loss of economic activity in the area. In order to provide time for making alternate arrangements phasing out of mining for a period of 10 years may be allowed
- X. The Government of Goa has decided not to give any new mine lease or renewal of mine lease in the Eco-sensitive Zone

It was observed during the deliberations that the direct comparison of the state of Sikkim with Goa is not correct, as the topography and the steepness of hill slopes in Sikkim is markedly different from that of state of Goa. Based upon the comments of the State Government, the Principal Secretary (Forests), Government of Goa, presented the proposals of the State Government with respect to the declaration of Eco-sensitive Zones around Protected Areas in Goa.

d. **State Government of Goa Proposal**

Eco-sensitive Zone around Bhagwan Mahaveer Wildlife Sanctuary and National Park, Netravali Wildlife Sanctuary, Madei Wildlife Sanctuary, Bondla Wildlife Sanctuary and Cotigao Wildlife Sanctuary

While considering the environmental concerns and also the livelihood of the local population, the State Government proposed the extent of Eco-sensitive Zone as 1 km or the nearest water body from the boundary of the PA. The State Government also proposed that phasing out of mining over a period of 10 years may be allowed with respect to Bhagwan Mahaveer Wildlife Sanctuary and Netravali Wildlife Sanctuary, so that the locals could find alternate livelihood subject to the Hon'ble Supreme Court permitting and further subject to the Hon'ble Supreme Court modifying the order in IA 1000 of T.N. Godavarman Vs. Uoi case.

In case of Dr. Salim Ali Wildlife Sanctuary the State Government proposed that the ESZ may be up to the river bank abutting the Sanctuary on the three sides of the Wildlife Sanctuary and 100m of ESZ on the eastern side towards Chorao village.

e. The Committee was informed that the issues raised by the State Government representatives were also discussed by Hon'ble Chief Minister of Goa in his two meetings with the Hon'ble MEF. Further, it was also informed that pursuant to the discussions of Hon'ble CM of Goa with Hon'ble MEF, legal opinion was sought by the MoEF&CC from Ministry of Law and Justice regarding the request of the State Government for phasing out of mining in the ESZ of Bhagwan Mahavir Wildlife Sanctuary and National Park and Netravali Wildlife Sanctuary. As per the interim order of the Supreme Court in IA 1000 TN Godavarman Vs. UoI, no mining can be allowed within 1 km safety zone around Protected Areas. The same order was reiterated in the order dated 21st April 2014 in WP (C) 435 of 2012, wherein, *inter alia* the Hon'ble Supreme Court has said that no mining shall be allowed within 1 km of Protected Area boundary in Goa. The Ministry of Law and Justice has advised the Ministry to inform the State Government of Goa that specific permission needs to be taken from the Supreme Court in the matter of IA 1000 TN Godavaraman Vs UoI and WP (C) 435 of 2012 for phasing out of mining in the ESZ.

f. The Committee noted that the concept of ESZ around PAs, involves development of proposals in a site specific manner based upon ground realities in this regard inputs of the State Government are important. Further, the State Government is also intimately linked with the implementation of the provisions of notification. Also, a balance needs to be struck between environment conservation and socio-economic imperatives of the State.

g. The Committee after detailed deliberations recommended that the draft notifications declaring eco-sensitive zone notifications around Protected Areas in Goa be finalized subject to the following changes:

(i) Keeping in view the ground realities and site specific information, the extent of Eco-sensitive Zone may be fixed at 1 km or water body whichever is nearer to the PA in the case of Bhagwan Mahaveer Wildlife Sanctuary and National Park, Netravali Wildlife Sanctuary, Madei Wildlife Sanctuary, Bondla Wildlife Sanctuary and Cotigao Wildlife Sanctuary. In case of Dr. Salim Ali Wildlife Sanctuary the extent of Eco-sensitive Zone may be up to the river bank abutting the Sanctuary on the three sides of the Wildlife Sanctuary and 100m of ESZ on the eastern side towards Chora village.

(iii) Keeping in view the socio-economic imperatives brought out by the State Government and also that the boundaries of the Bhagwan Mahavir Wildlife Sanctuary and Netravali Wildlife Sanctuary need to be finalized by the State Government, phasing out of mining in the ESZ around these two PAs may be allowed only after the State Government obtains specific permission from the Supreme Court in the matter of IA 1000 TN Godavaraman Vs UoI and WP (C) 435 of 2012. The State Government has to expedite submission of revised proposals according to MoEF & CC within 15 days.

The meeting ended with vote of thanks to and from the Chair.

ANNEXURE

List of Participants

1	Shri Hem Pande, Addl. Secretary, MoEF &CC	Chairman
2	Dr. G.V. Subrahmanyam, Advisor, MoEF &CC	Member
3	Shri P.K. Duria, Town and Country Planner, TCPO, Ministry of Urban Development	Member Representative
4	Shri Amarnath Shetty, Addl. PCCF, Regional Office, MoEF&CC, Bangalore	Member Representative
5	Shri R. M. Bhardwaj, Senior Scientist, CPCB, Delhi	Member Representative
6	Dr. Gautam Talukdar Wildlife Institute of India, Dehradun	Member Representative
7	Shri M.L. Srivastava, DIG (WL) MoEF&CC	Member Representative
8	Dr. Sarnam Singh, Indian Institute of Remote Sensing, Dehradun	Member Representative
9	Dr. Kailash Chandra, Addl. Director Zoological Survey of India	Member Representative
10	Dr. S.S. Dash, Scientist 'C' Botanical Survey of India	Member Representative
11	Dr. Sandeep Chauhan, Scientist 'C' Botanical Survey of India	Member Representative
12	Dr. S.C. Garkoti, Director, MoEF & CC	Member Secretary
13	Dr. Amit Love, Deputy Director	MoEF&CC
	Representatives of State Governments	
	<i>State Government of Gujarat</i>	
1	M.J. Parmar, Conservator of Forests, Gandhinagar	
2	N.J. Yadav, Chief Conservator of Forest, Wildlife Crime, Gandhi Nagar	
	<i>State Government of Andhra Pradesh</i>	
1	Shri A. K. Naik, CCF o/o of PCCF, AP	
	<i>State Government of Goa</i>	
1	Shri R. K. Srivastava, Principal Secretary (Forests)	
2	Shri D.N. F. Carvalho CCF (WL)	