

**MINUTES OF 1st
MEETING OF THE
EXPERT COMMITTEE
HELD ON
21st SEPTEMBER, 2012**

**Ministry of Environment & Forests
(RE Division)**

SUMMARY RECORD OF THE FIRST (1ST) MEETING OF EXPERT COMMITTEE ON ECO-SENSITIVE ZONE.

The first meeting of the Expert Committee on Eco-sensitive Zone was held on 21st September, 2012 in the Ministry of Environment and Forests. Except, Department of Land Resources, Government of India, the meeting was represented by all the members. The list of participants is annexed.

2. At the outset, Additional Secretary, Ministry of Environment and Forests and Chairperson of the Expert Committee welcomed the members and briefly outlined the mandate of the Committee to the members. She informed the Committee that Ministry of Environment and Forests would make a presentation on Eco-sensitive Zone in general followed by a presentation on the agenda Item i.e., Bhagirathi Eco-sensitive Zone Draft Notification dated 1st July, 2011 and the comments of various stakeholders received in response to the said draft notification. She also informed that the Indian Institute of Remote Sensing, Dehradun would also make a presentation on the delineation of boundaries of the proposed Eco-sensitive Zone based on the study sponsored to them by the MoEF.

3. The Chairperson also welcomed the representatives of the Government of Uttarakhand and thanked them for accepting the invitation of Government of India for finalization of Bhagirathi Eco-Sensitive Zone Notification.

4. The Chairperson, thereafter, asked Member Secretary of the Expert Committee to make a presentation on the agenda item with a note that discussion on the agenda item would be taken up after the presentation.

Item No.1: Consideration of the proposals listed in the agenda:

I. Declaration of Eco-sensitive Zone along the Bhagirathi River from Gomukh to Uttarkashi in Uttarakhand.

The Member Secretary, Expert Committee made a detailed presentation. The presentation was divided into three parts namely, (i) Brief on Eco-sensitive Zone Notification, (ii) Bhagirathi Eco-sensitive Zone Notification and (iii) Suggestions/comments of the stakeholder received on the Draft Notification. The presentation began with the definition of Eco-sensitive Zone, as provided in the National Environment Policy 2006, as, 'areas with identified environmental resources having "Incomparable Values" which require special attention for their conservation', followed by purpose of declaring Eco-sensitive Zones, objectives, statutory provisions etc.

2. The Committee was informed that the Draft Notification for declaration of 135km stretch of Bhagirathi River from Gomukh to Uttarkashi and upto 100m from both the banks of the river was notified by the Ministry vide S.O. No. 1499(E) dated 1st July, 2011; pursuant to the decision of the Government of India communication dated 23.08.2010 from the then Hon'ble Finance Minister and the decision of second meeting of NGRBA dated 01.11.2010. The provisions of the draft notification were presented before the Committee *ad-seriatum* alongwith the comments/suggestions of various stakeholders.

While concluding the presentation, the committee members were informed that the comments received from the stakeholders were *prima facie* on delineation of boundaries of the proposed Eco sensitive Zone. It was suggested that the boundaries of the proposed Eco sensitive Zone need to be delineated on a broader perspective, including the catchment area and contributing tributaries of the river. The NRCD, MOEF has also advised that the boundaries of the ESZ should be based on the river morphology, biodiversity, wildlife and also on catchment area of the zone to be considered as eco-sensitive zone. Taking into account the prohibited and restricted activities, the boundaries of the zone may be delineated based on actual survey of the area. Accordingly, the Ministry of Environment and Forests has requested Indian Institute of Remote Sensing, Dehradun to undertake the study. A research project entitled "Demarcation of Eco-sensitive Zone from Gaumukh to Uttarkashi along the Bhagirathi river" was entrusted to Forestry and Ecology Department of the Indian Institute of Remote Sensing, Dehradun in March, 2012 for a period of three months.

3. Dr. SPS Kushwaha, Scientist 'G', Indian Institute of Remote Sensing, Dehradun thereafter, presented the findings of the study. At the outset, Dr. Kushwaha informed the Committee that the ESZ boundaries have been demarcated based on the Ridgeline/ Water Divide criteria using Cartosat Digital Elevation Model(DEM), LISS-III Imagery, including field survey and covers an area of 4433.02sq km comprising Bhagirathi sub-basin -I (1595.84 km²), Bhagirathi sub-basin -II(1403.96 km²) and Assi Ganga sub

basin(191.88 km²) of Bhagirathi River, including the State of Himachal Pradesh.

4. Presently, the report is presented taking into consideration the following four aspects:

- (i) **ESZ- Gomukh to Uttarkashi:** The area of ESZ falling in Uttarakhand worked out to be **4179.59 km²**. About **97** villages are located in the ESZ, mostly along the Bhagirathi river. The portion of Himachal Pradesh is excluded.
- (ii) **ESZ-Bhaironghati to Uttarkashi:** An area of **1595.84 km²** was demarcated as eco-sensitive zone comprising **1403.96 km²** area of Bhagirathi sub-basin-II, and **191.88 km²** area of the Asiganga sub-basin. **85** villages are located in the proposed ESZ, mostly along the Bhagirathi River.
- (iii) **ESZ-excluding the PA buffer of 10 km:** Total area after excluding the PA buffer of 10 km comes to **854.28 km²**.
- (iv) **Location of Villages within 100 m,200m, 300m, 400m and 500m on either side of Bhagirathi river from Bhaironghati to Uttarkashi:**

S.No.	Buffer along Bhagirathi (m)	Area (km ²)	No. of Villages
1.	100	0.014	30

2.	200	23.857	33
3.	300	42.337	33
4.	400	56.222	36
5.	500	70.024	42

5. Finally, the summary of major findings of the project report was presented as follows:

- (i) River Length from Gaumukh to Uttarkashi is **98.69** km instead of 135km
- (ii) River Length from Bhaironghati to Uttarkashi is **71.81** km.
- (iii) The area of proposed ESZ from Gaumukh to Uttarkashi taking watershed approach comes to **4179.59 sq. km** excluding the portion of H.P. The ESZ abets the Indo China border.
- (iv) The area of proposed ESZ from Bhairoghati to Uttarkashi excluding protected areas and taking watershed approach comes to **1786.54 sq. km.**
- (v) The area of ESZ from Bhairoghati to Uttarkashi excluding protected areas with 10 km Buffer and taking watershed approach comes to **854.28sq. km.**

6. The floor was, thereafter opened for discussions.

Government of Uttarakhand:

Shri S. Raju, Principal Secretary, Department of Water Resources, Government of Uttarakhand submitted a letter dated

20.09.2012 reiterating their earlier stand on the proposed ESZ and requested for immediate rejection of the Notification on the ground that it is not in favour of the locals and also there is wide public resentment for this Notification. The Government of Uttarakhand has also cited the reference of earlier letter of the then Hon'ble Chief Minister dated 8th August, 2011 and also the Assembly Resolution adopted during the proceedings of Hon'ble Vidhan Sabha on 29th March, 2011 for stopping the declaration of the said Eco-Sensitive Zone forthwith.

Thereafter, few issues such as, implementing agency of the notification, agency to prepare zonal master plan, representation on the monitoring committee, loss to State Government exchequer as a result of prohibiting hydro power projects over Bhagirathi river, displacement of 118 villages, mining, regulating religious tourism etc. were raised for clarification. It was further stated that already quite a good number of authorities are already in place namely NGRBA, State Government Gangotri Authority etc. Declaration of the said ESZ will create another Authority/Monitoring Committee which will hinder the developmental activities in the region. The Uttarakhand Jal Vidyut Nigam Limited has opposed blanket ban on Hydro Electric Projects in Eco-sensitive Zone.

Advisor (Dr.GVS), Ministry of Environment and Forests while replying to the concerns of the State Government informed them that the purpose of declaring Eco-sensitive Zone is to regulate the developmental activities, while prohibiting only certain activities without

impinging upon the livelihood security of the local people. Further, he also informed that the activities within the ESZ would be regulated as per the existing legal provisions (central/state) and the existing authorities would continue to operate. It was further informed that the Zonal Master Plan for the proposed ESZ would be prepared by the State Government in consultation with line departments and ensuring the compliance of the Zonal Master Plan is the responsibility of the proposed Monitoring Committee through the existing Central/ State authorities. Till such time, the Zonal Master Plan is in place, the monitoring committee would refer the proposals to the concerned authorities along with their recommendations/suggestions, keeping in the view the needs of the local people. As such, declaration of ESZ would not involve displacement of any population and the requirement/need of the locals would be fully ensured while notifying the ESZ Notification.

The Chairperson, thereafter suggested that the Uttarakhand Government representatives may convey the provisions of the Notification to concerned authorities and if so required, Dr. Kushwaha, IIRS would be available for making a presentation on the ESZ before them. Dr. Kushwaha, IIRS consented to the same.

Various provisions of draft ESZ Notification were thereafter taken up for discussion:

(a) **Preamble of the Notification:** There were no specific suggestions/ objections on this issue except for referring the River

Bhagirathi as a major tributary of River Ganga. It was unanimously agreed to accept the suggestion of stakeholder and delete the word 'tributary' while addressing the River Bhagirathi.

(b) **Boundary of the ESZ:** The opinion of the stakeholders on this issue by and large were for adopting watershed approach including the tributaries for delineation of the boundaries of the Eco-Sensitive Zone. The existing provision of 100m from both the banks of river is arbitrary and has no scientific validity, given that the river morphology is constantly shifting and changing in certain stretches. The Government of Uttarakhand opposed the watershed approach on the ground that it would profusely increase the area of ESZ and affect the developmental activities. It was suggested by them that if it so inevitable to bring this Notification, then the State Government may consider declaration of ESZ upto Maneri instead of Uttarkashi as Hydro Power Projects of state are already in operation/construction stage in the downstream.

After detailed discussions, the Committee unanimously recommended to adopt watershed approach for delineation of boundaries of Eco-sensitive Zone from Gomukh to Uttarkashi covering an area of 4179.59 sq. km instead of 100m from both the banks of the river as provided in the Draft Notification, as it is logical and scientific approach for delineation of the boundaries.

Further, this watershed approach would account for protection of tributaries and streams contributing to the river Bhagirathi.

(c) **Zonal Master Plan:** The provisions of the draft notification vis-à-vis the suggestions/objections of the stakeholders were discussed in detail. The Committee unanimously recommended for the involvement of the locals in preparation of the Zonal Master Plan. It was also recommended that the construction activities in the proposed ESZ should follow the traditional concepts and architecture of the area and allowing eco friendly development without affecting the rights and privileges of the *bona-fide* residents be suitably incorporated in the Notification.

(d) **Prohibited Activities in the Eco-sensitive Zone:** The provisions of the draft notification vis-à-vis the suggestions/objections of the stakeholders were discussed in detail. The Committee recommended that:

- (i) Setting up of new dams/HEPP and their expansion in the proposed ESZ be prohibited. It was deliberated that allowing of less than 25MW HEPP in the stretch of the Bhagirathi river and its tributaries may lead the project proponent to circumvent the provisions of the EIA Notification as the HEPP with less than 25MW capacity do not attract the provisions of the

Notification. Further, a series of such projects will come in the stretch of the Bhagirathi river of proposed ESZ which will in-turn adversely affect the ecology, geology and hydrology of the area.

- (ii) The word 'deforestation' may be replaced by the word 'commercial felling of trees'.

(e) **Restricted Activities in the Eco-sensitive Zone:** After deliberations, the Committee opined that the terms used in the Notification may be defined for its better implementation. Further, the notification may also provide for promotion of eco-friendly activities such as organic farming, rain water harvesting, adoption of green technologies, walking tourism, alternate source of energy etc. in the said zone. The issue regarding regulation of vehicular movement in the said zone was also discussed and the Committee Member from the Wildlife Institute of India, Dehradun apprised that the same is regulated beyond Bhaironghati to Gangotri. The committee made following recommendations:

- (i) Provision for control of Air Pollution should be made in the Notification.
- (ii) The suggestion of stakeholders for restricting discharge of treated effluent in the river was not agreed to.

- (iii) The word 'outside' in the para 4(e)(i) of Draft Notification pertaining to solid waste may be deleted.
- (iv) Allowing of less than 25MW HEPP in the stretch of the river Bhagirathi and its tributaries may not be permitted as it would lead to the project proponent to circumvent the provisions of the EIA Notification and would also require amendment in the EIA Notification, 2006.
- (v) The plantation of pine tree in the ESZ should not be promoted.

(f) Monitoring Committee: The provisions of the draft notification vis-à-vis the suggestions/objections of the stakeholders were discussed in detail. The issue of grant of single window clearance was also deliberated. On a specific query of the State Government on the issue of constitution of Monitoring Committee and representation of the members, Ministry of Environment and Forests informed that State Government has to submit the panel of the experts to the Ministry for nomination. The Committee recommended that:

- (i) Meeting of the Monitoring Committee may be convened quarterly.
- (ii) Till the Zonal Master Plan for the Eco-Sensitive Zone is approved, the Monitoring Committee will examine all such cases before referring to the concerned regulatory authority.

II. Declaration of Eco-sensitive Zone around Marine National Park and Marine Sanctuary in Gujarat.

The consideration of the proposal was deferred at the request of the Government of Gujarat.

III. Other Item:

Institutional Mechanism for administering ESZs: Considering the large number of ESZ Notifications being issued around the National Parks(102) and Sanctuaries(515), and also in other areas, the Committee suggested that an institutional mechanism for administering the ESZs may be worked out on the lines of CRZ Notification. Under the CRZ Notification, there are State Level Coastal Zone Management Authorities and National Coastal Zone Management Authority. On similar lines, the Committee suggested that the Ministry may consider to have State Level ESZ Monitoring and Management Authorities and National Level ESZ Monitoring and Management Authority for administering the ESZs.

The meeting ended with a vote of thanks to the Chair.

List of Participants

1. Dr. Nandita Chatterjee, Additional Secretary MOEF: Chairperson
2. Dr. G.V Subrahmanyam, Advisor MOEF : Member
3. Dr. H.C. Pandey, Botanical Survey of India, Dehradun: Member
4. Dr. R.C. Sundriyal, G.B. Pant Institute of Himalayan :
Environment and Development, Almora
5. Dr. SPS Kushwah, IIRS, Dehradun:
6. Dr. S.K. Khanduri, IGF Ministry of Environment and Forests:
7. Shri R.M. Bhardwaj CPCB:
8. Shri Dhananjai, Wildlife Institute of India:
9. Dr. N.S.Bisht, ICFRE, Dehradun:
10. Dr. A. Senthilvel, Director NRCD MOEF:
11. Ms. Sanchita Jindial, Director NGRBA MOEF:
12. Shri P.K. Duria, Town & Country Planner:
13. Shri Deepak Kushwah, IIRS, Dehradun:
14. Shri S. Raju, Principal Secretary, Water Resources Department:
Government of Uttrakhand.
15. Shri Bhajan Singh, Programme Director, SPMG, Uttrakhand:
16. Shri G.P. Patel, MD, UJVN Ltd., Dehradun:
17. Shri Amar Jit Singh, Uttrakhand Environment Protection:
Pollution Control Board, Dehradun
18. Dr. Satish C. Garkoti, Director, MOEF : Member Secretary
19. Dr. Sonu Singh, Deputy Director, MOEF: