

**MINUTES OF 2nd
MEETING OF THE
EXPERT COMMITTEE
HELD ON
16th JANUARY, 2013**

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

SUMMARY RECORD OF THE SECOND (2ND) MEETING OF EXPERT COMMITTEE ON ECO-SENSITIVE ZONE.

The second meeting of the Expert Committee on Eco-sensitive Zone was held on 16th January, 2013 in the Ministry of Environment and Forests under the Chairmanship of Shri Hem Pande, Additional Secretary. The list of participants is annexed.

2. At the outset, Additional Secretary, Ministry of Environment and Forests welcomed the members and also representatives of the Government of Gujarat and thanked all for accepting the invitation of Government of India for finalization of Notification on declaration of area around Marine National Park and Marine Sanctuary as Eco-Sensitive Zone. The Chairman in his introductory address mentioned that the eco-sensitive zones are the areas which constitutes natural features, such as the habitat of a rare species and is protected by government regulations and also reemphasized that the environmental resources having "Incomparable Values" require special attention for their conservation. The declaration of eco-sensitive zones is obviously one such process which helps in conservation and enhancement of these resources, without impeding legitimate socio-economic and ecological development of these areas.

3. The Chairman, thereafter, given the floor to Advisor (Dr.GVS) and IGF(WL), Ministry of Environment and Forests before the discussion on the agenda item would be taken up.

4. Advisor(Dr. GVS), MoEF informed that the draft Notification declaring the area around the Marine National Park and Marine Sanctuary as eco-sensitive zone was issued on 29th February, 2012 and invited comments/suggestions of various stakeholders by placing the draft Notification on the public domain. The Ministry of Environment and Forests has received comments/suggestions from about 26 stakeholders, which were subsequently sent to the State Government. Based on receipt of the response of the State Government, the proposal is now placed before the Committee for finalization of the Notification. The Ministry has to finalize the Notification within 545days of publication of the draft notification and State Government will make comprehensive presentation on the location and other aspects of the ESZ alongwith the response on the comments of the stakeholders.

5. IGF (Wildlife), MOEF had informed that the issue of Eco-sensitive Zone was first deliberated sometimes in 2002, when a Wildlife Conservation Strategy, 2002 was adopted, which had envisaged that "lands falling within

10kms of the boundaries of national parks and sanctuaries should be notified as eco-fragile zones under section 3(v) of the Environment (Protection) Act, 1986 and Rule 5, sub-rule (viii) and (x) of the environment (Protections) Rules". The objective behind declaration of ESZ was to conserve and protect the National Parks and Wildlife Sanctuaries. However, some of the State Governments had raised concern over applicability of 10km range from the protected area boundary and informed that most of the human habitation and other areas including important cities in these states would come under the purview of ESZ and adversely affect the development. Considering the constraints communicated by the States, the proposal was re-examined and it was decided that, "delineation of Eco-sensitive Zones would have to be site specific and relate to regulation, rather than prohibition, of specific activities". This decision was communicated to all the State Governments for compliance. The Hon'ble Supreme Court also in the matter of Goa Foundation Vs. UOI in Writ Petition No. 460/2004, vide its order dated 4th December, 2006 directed Ministry of Environment and Forests, 'to give a final opportunity to all States/Union Territories to respond to its letter dated 27.05.2005.' In addition, it was directed that States/Union Territories send their proposal within four weeks to the Ministry of Environment and Forests. If the States/Union Territories now fail to respond, they would do so at their own risk and peril. IGF(WL) also informed that the guidelines vis-à-vis the order of Hon'ble Supreme Court in the matter clarifying that the cardinal point in the matter is that till such time the final Notification for declaring ESZ is issued by the MoEF, the order of the Hon'ble Supreme Court w.r.t. ESZ for 10 km radius would prevail uniformly.

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

I. Declaration of Eco-sensitive Zone around Marine National Park and Marine Sanctuary, Gujarat.

The CCF, Marine National Park, Jamnagar made a presentation on the proposal. It was stated that it is India's first marine protected area declared in 1980 & 1982 covering an area of 457.92 km² (Marine Sanctuary) and 162.89km² (Marine National Park), Gulf of Kachchh along the coast of Jamnagar District. The major ecosystem of Marine National Park constitutes coral reefs, mangrove forest and sea grass beds. The Marine National Park and Sanctuary is located on Southern coast of Gulf of Kachchh between 22° 15' to 23° N Latitude and 69° to 70° 35' E Longitude. The revenue boundary of Okhamnadal, Kalyanpur, Khambalia, Lalpur, Jamnagar and Jodia Talukas of Jamnagar District constitute southern boundary of Marine National Park and Sanctuary. Out of total 42 islands, only 2 islands namely the Bet Dwarika and the Ajad are inhabited. In addition to 457.92 km² of Sanctuary area and 162.89 km² of National Park area, 29.93 km² is reserve forest, 6.40 km² is protected forest and 274.19 km² is unclassified forest forms part of the protected area. The salient features of the Eco-sensitive zone inter alia include:

- (i) The Eco Sensitive Zone towards landward side constitutes an area of about 208.58 km² including 36 villages adjoining marine national park and sanctuary.
- (ii) The boundary of the eco sensitive zone from coastal boundary towards landward side extends up to a length one kilometre which include either whole or part of survey numbers upto this limit of one kilometre.
- (iii) The eco sensitive zone towards seaward side constitutes an area of 105.14 km².
- (iv) An area within 200metre from boundary of Marine National Park and Sanctuary towards seaward side has been included as eco sensitive zone.
- (v) In addition, 31 rivers which flow into the Gulf of Kachchh have been included. The length of the rivers falling in eco sensitive zone varies from 0 to 5 km and a width of 250m from the centre of the river on both sides of river has been included in the ESZ. The total area of 12.53 km² has been included in this zone.

2. The State Government had thereafter presented the issues raised by the stakeholders on various provisions of draft notification *inter alia* boundaries of the ESZ, activities in the ESZ, monitoring committee etc. It was informed that:

- (a) The boundary of 1km towards landward side for the eco-sensitive zone was decided keeping in view the order of Hon'ble Supreme Court dated 4th August, 2006 in W.P.(C) No.202/95, wherein the mining activities within 1km of National Parks and Wildlife Sanctuaries were prohibited.
- (b) The already mined out bauxite ore lying in the proposed ESZ area will be taken away in a time bound manner, if the Government so decides.
- (c) Eco-sensitive zone from Salaya to Khijadia region has been excluded, as in this segment Sanctuary is surrounded by other forest areas under Section 20 and Section-4, which are serving as buffer between the protected area and the land.
- (d) The creation of ESZ towards the Western region of MNP&S is important as no forest area or other buffer zone is available in the vicinity of Sanctuary. The Sanctuary area is abetting the revenue area in this segment, hence the ESZ in this region will serve purpose of buffer.

- (e) Most of the salt pans fall in the proposed eco-sensitive zone, therefore, the salt work activities may be considered for inclusion in the regulated activities of the Notification.
- (f) Exemption to existing industrial activities including sea water withdrawal for salt works, desalination and industrial use may be permitted for existing activities in existing industries.
- (g) Activities like erection of electrical cables, conveying systems and pipelines (oil and gas, seawater intake, treated effluent) on terrestrial and/or sub-surface may be included under the regulated activities as all these infrastructure/ facilities already exist in the proposed eco-sensitive zone.
- (h) Traditional fishing with restrictions already in place by the Department of Fisheries may be permitted.
- (i) The fishing through trawlers towards seaward side in eco-sensitive zone should be prohibited.

3. The floor was thereafter opened for discussions and the following points emerged:

- (a) With specific regard to the observation of Dr. G.A. Thivakaran Gujarat Institute of Desert Ecology regarding release of Ballast water at para 3(2)(1) of the draft notification, the Member Secretary has informed to the Committee that the matter was referred to the Ministry of Shipping and also NEERI, Nagpur for seeking their expert opinion on the concerns raised by Dr. Thivakaran. The Ministry of Shipping was also invited for attending the meeting as special invitee; however, neither the comments were received from them nor any representative from Ministry of Shipping participated during the meeting. The NEERI Nagpur has informed that the portion where the activities are concentrated presently do not form part of the eco sensitive zone and moreover the filling of ballast is a permissible activity and is part of port management. New ships area provided with onboard ballast water management system and can discharge that water in open sea after treatment. The notification prevents discharge of ballast. Nowadays no port is allowing the discharge of ballast or no effluents in the port area due to environment awareness and to protect the port from pollution whether it is eco-sensitive or non eco-sensitive and it was therefore, opined that the para 3(2)(1) may be unchanged for all eco sensitive areas and there is no need to modified the para as per the concerned expressed by Dr. Thivakaran.

- (b) The Member Secretary has brought to the attention of the Committee regarding the concern expressed by some of the stakeholders relating to public consultations while finalising the draft notification. To this, the State Government has responded that the draft notification issued under the Environment (Protection) Act, 1986 was placed in the public domain inviting suggestions/ comments. This itself forms the process of public consultation. Further, the proposal was submitted in accordance with the Guidelines for declaration of Eco-sensitive Zones around National Parks and Wildlife Sanctuaries issued by the MoEF on 9th February, 2011, wherein the said guideline provides for a constitution of a small committee comprising of concerned Wildlife Warden, an ecologist, an official from Local Self Government and an official of the Revenue Department of the concerned area.

4. Based on the presentation made and discussions held, the Committee recommended the draft notification for finalisation subject to following:

- (a) Traditional fishing may be permitted with restrictions and laws prevailing in the State.
- (b) Para 3(1)(viii) of the draft notification may be modified in consultation with the Wildlife Division.
- (c) In the title of the para 3(1) 'Management Plan for the Marine National Park and Marine sanctuary eco-sensitive Zone' may be replaced by the 'Zonal Master Plan'.
- (d) Para 3(9)(a) and (b) may be retained in the Notification keeping in view the rivers and ponds.
- (e) Para 3(2)(1) of draft notification may not be changed.
- (f) The salt work activities may be considered for inclusion in the regulated activities of the Notification.
- (g) Exemption to existing industrial activities including sea water withdrawal for salt works, desalination and industrial use may be permitted for existing activities in existing industries.
- (h) Activities like erection of electrical cables, conveying systems and pipelines(oil and gas, seawater intake, treated effluent) on terrestrial and/or sub-surface may be included under the regulated activities as all these infrastructure/ facilities already exists in the proposed eco-sensitive zone.

- (i) The already mined out bauxite ore lying the proposed ESZ area may allowed to be removed in time bound manner under the supervision of Government of Gujarat.
- (j) At par 4(5) of draft notification representatives from Industry Associations/ concerned stakeholders may be incorporated appropriately.

II. Draft Master Plan for Doon Valley, Uttarakhand.

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

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

List of Participants

1. Shri Hem Pande, Additional Secretary MOEF: Chairperson
2. Dr. G.V Subrahmanyam, Advisor MOEF : Member
3. Dr. S.P.S. Kushwah, IIRS, Dehradun: Member
4. Dr. Paramjit Singh, Director, Botanical Survey of India: Member
5. Shri Charanjit Singh, Director, Department of Land Resources: Member
6. Shri P.K. Duria, Town & Country Planner: Member
7. Dr. S.K. Khanduri, IGF Ministry of Environment and Forests: Special Invitee
8. Dr. S.K. Lal, Scientist, MOEF, Regional Office, Bhopal: Special Invitee
9. Dr. H.C. Pande, Botanical Survey of India, Dehradun:
10. Dr. Satish C. Garkoti, Director, MOEF : Member Secretary
11. Dr. Sonu Singh, Deputy Director, MOEF:

Representatives of the State Government:

12. Dr. H.K.Das, Principal Secretary, Forest and Environment.
13. Shri S.K. Goyal, PCCF, Gujarat:
14. Shri R.D. Kamboj, CCF, MNP Jamnagar: