

## **MINUTES OF 50<sup>TH</sup> MEETING OF THE EXPERT COMMITTEE FOR DECLARATION OF THE ECO-SENSITIVE ZONE (ESZ) AROUND PROTECTED AREAS HELD ON 7<sup>TH</sup> FEBRUARY, 2023 THROUGH VIDEO CONFERENCING**

The 50<sup>th</sup> Meeting of the Expert Committee on Eco-Sensitive Zone (ESZ) was held under the Chairmanship of Shri Tanmay Kumar, Additional Secretary, Ministry of Environment, Forest & Climate Change on 7<sup>th</sup> February, 2023 through Video Conferencing. The list of the participants is at **Annexure**.

2. At the outset, the Chairman welcomed the members of the Expert Committee and other participants. After a brief introduction of the participants, the Chairman invited the attention of all State Governments/UT administrations and conveyed that the States / UT administrations need to ensure that the proposals are in accordance with the Order dated 03.06.2022 of the Hon'ble Supreme Court in the matter of T.N. Godavarman Thirumulpad vs UOI in W.P (C) No. 202 of 1995. DIG (WL), MoEFCC also supplemented that the activities contained in the list of prohibited, regulated and promoted as contained in the draft notifications should be in sync with the Hon'ble Supreme Court's Order and as per the Guidelines for declaration of ESZ around National Parks and Wildlife Sanctuaries issued by the Ministry in 2011.

3. The State Government representatives were thereafter requested to make a presentation on their proposals as per items listed in the agenda. The deliberations held and the decisions taken are given below:

### **Item No. 3.1: Koundinya Wildlife Sanctuary, Andhra Pradesh**

The draft notification of declaration of the ESZ around Koundinya Wildlife Sanctuary, Andhra Pradesh was published vide S.O. 2077(E) dated 4<sup>th</sup> May, 2022, for inviting stakeholders/public comments. The salient features of the notification are as follows:

Area of the Protected Area (PA): 357.63 sq. km

Proposed ESZ area: 315.84 sq. km

Proposed ESZ extent: 1 km to 12 km(*within state of Andhra Pradesh, Zero ESZ towards Eastern and Southern parts of protected area which falls in jurisdiction of the State of Tamil Nadu*)

The representative of Government of Andhra Pradesh, apprised the Committee that the ESZ area includes parts of Rayala Elephant Reserve and the composition of the Monitoring Committee for monitoring and implementation of the proposed ESZ notification is to be updated due to recent reorganisation of the district carried out. The Committee noted that the comments received on the draft notification for ESZ around Koundinya Wildlife Sanctuary were duly considered by the State Government.

The Committee observed that the zero extent ESZ on the Eastern and Southern parts is due to the Protected Area being bordering the State boundary of Tamil Nadu. The Committee however requested that the State Government of Andhra Pradesh may consult the Government of Tamil Nadu to include the part of areas falling in Tamil Nadu in ESZ area. *The Committee observed that in the event that State of Tamil Nadu declines such a suggestion, the State Government need to approach the CEC for zero extent ESZ as per merit on the case.*

*The Committee also observed that the State Government shall also ensure that the activities listed in the table at para 4.0 of the draft notification i.e. List of activities prohibited or regulated within the ESZ, are in accordance with the Order dated 03.06.2022 and as per the ESZ Guidelines of 2011.*

*The Committee further observed that the proposal is acceptable in-principle and can proceed for finalisation subject to necessary changes made as discussed above.*

### **Item No. 3.2: Bherjan, Borajan and Padumoni Wildlife Sanctuary, Assam**

The draft notification of declaration of the ESZ around Bherjan, Borajan and Padumoni Wildlife Sanctuary, Assam was published vide S.O. 2181(E) dated 7<sup>th</sup> June, 2021, for inviting stakeholders/public comments. The draft notification is due to expire on 2<sup>nd</sup> June, 2023. The salient features of the ESZ notification are as follows:

Area of PA : 7.21 sq. km

Proposed ESZ area : 39.97 sq. km

*(now as per revised proposal dated 06.12.2022, the ESZ area is 30.09 sq. km)*

Proposed ESZ extent: 400 m to 6 km

*(now as per revised proposal dated 06.12.2022, the ESZ extent is a uniform 1 km)*

The representative of the Government of Assam informed that the draft notification of the Borajan - Bherjan-Padumoni Wildlife Sanctuary was published on 10.12.2015 and thereafter it has been revised three times. The draft notification now under deliberation was published on 07.06.2021 with ESZ area and extent and area as mentioned above. The draft notification of 2015 was deliberated in the 27<sup>th</sup> Meeting held on 28.02.2017, wherein, the Committee had observed that there are reportedly Oil drilling sites and had requested the State Government to have a re-look on the proposal. This draft notification however expired in June, 2017.

Later a revised proposal was received in April, 2020 and was briefly deliberated in the 42<sup>nd</sup> Meeting of the Committee held on 18<sup>th</sup> August 2020, wherein, the Committee noted that the ESZ proposed is zero extent all around and had rejected the proposal and again requested the State Government for revisiting the proposal. A new draft proposal was again received on 26<sup>th</sup> February 2021 and a draft was re-published on 07<sup>th</sup> June, 2021. The ESZ area in this proposal is 39.97 sq km and the ESZ extent is 400 m to 6 km. This draft notification was deliberated in the 47<sup>th</sup> Meeting of the Committee held on 17.08.2021 and the Committee had recommended for finalisation subject to submission few information/ documents such as Endorsement by the Wildlife Division that the proposal is acceptable and the conservation plan for Hoolock Gibbons is adequate for its conservation, detailed written justification/clarification of the revised ESZ extent by the State Government and areas along with maps indicating the changes and indicating the Protected Areas boundaries and written confirmation by the State Government that local public consultation on the proposed changes/revised ESZ extent and areas have been held. The State

Government again send a revised proposal on 09.05.2022 with a revised ESZ area of 30.09 sq.km and ESZ extent of 1.0 km uniform all around the Protected Area. The State Government has furnished requisite details such as response to the stakeholders observations; copy of Protect Area notification; kml files of PA and ESZ boundaries etc.

The Committee deliberated on the proposal and it was informed that these areas have high oil reserves and presently there are oil wells and drilling sites all around. The draft notification has included such areas within Eco-sensitive Zone but after the publication of draft notification comments/objection and suggestions were received from various stakeholders and several rounds of meetings were held with various stakeholders including Director General of Hydrocarbons (DGHS); Oil India Ltd.; authorities of the Assam Government etc., and then only it has been decided to revise the ESZ extent to 1.0 km uniform extent.

It was also informed to the Committee that a suitable conservation plan for Hoolock Gibbons will be prepared for implementation, as the area is home to isolated group of Hoolock Gibbons. It was further stated that with the extent of the ESZ as uniform 1 km all around the Protected Area, the area of ESZ stands now at 30.09 sq. km.

The DIG (WL) informed the Committee that at Trishna WLS in Tripura, special dispensation has been accorded by the National Wildlife Board and oil and gas extraction has been permitted in the wildlife sanctuary in national interest. It was also reported that in Thol WLS in Gujarat oil extraction within the sanctuary has been permitted by the Hon'ble Supreme Court.

*The Committee discussed the proposal in the detail and concluded that the proposal shall be examined and decision may be taken accordingly. The State Govt. shall also ensure that the activities listed in the table at para 4.0 of the draft notification i.e. List of activities prohibited or regulated within the ESZ, are in accordance with the Order dated 03.06.2022 and as per the ESZ Guidelines of 2011.*

### **Item No. 3.3: Kamlang Tiger Reserve, Arunachal Pradesh**

The draft notification of declaration of the ESZ around Kamlang Tiger Reserve, Arunachal Pradesh was published vide S.O. 2052(E), dated 2<sup>nd</sup> May, 2022, for inviting stakeholders/public comments. The salient features of the notification are as follows:

Area of PA: 783 sq. km

Proposed ESZ area: 461 sq. km

Proposed ESZ extent: 0 to 9.836 km.

*(Zero extent of ESZ towards the South and East boundary is due to the fact that this PA is contiguous with Namdapha Tiger Reserve.)*

The representative of the Government of Arunachal Pradesh made a presentation and informed that the draft notification of the Kamlang Tiger Reserve was earlier published on 26.11.2015 and after its expiry it was re-published on 21.05.2018. This draft was considered for finalisation in the 31<sup>st</sup> Meeting of the Committee held on 13.09.2018, wherein, the Committee had suggested inclusion of adjoining reserve forests as part of ESZ and requested for revised proposal. This draft also got expired as the State Government could not submit revised proposal timely and on submission of a new revised proposal a new draft notification was again re-published on 02.05.2022 with an ESZ area and extent as mentioned above.

The representative of Government of Arunachal apprised the Committee that the instant proposal is in accordance with Hon'ble Supreme Court order dated 03.06.2022 and Zero ESZ proposed at South and South-East boundary is due to the fact that the PA which is contiguous with another PA viz. Namdapha National Park. To this effect the State Government has submitted justification of the zero ESZ extent vide their letter dated 09.08.2022.

The Committee deliberated on the proposal and agreed that, in view of recent Supreme Court order dated 03.06.2022 and as the Namdapha Tiger Reserve is contiguous to the Kamlang Tiger Reserve, the State Government may examine the possibility of considering an integrated proposal for both these protected areas. To this, the State Government stated that the same would entail

procedural difficulty leading to delay in finalisation of the ESZ notification and requested for consideration of the present proposal.

*The Committee observed that in the State Government may need to approach the CEC for zero extent ESZ as per merit on the case, as the Order of the Hon'ble Supreme Court has prescribed a minimum of 1.0 Km ESZ extent and a relief to this effect can only be provided by the Hon'ble Supreme Court.*

*The Committee also observed that the State Government shall also need to ensure that the activities listed in the table at para 4.0 of the draft notification i.e List of activities prohibited or regulated within the ESZ, are in accordance with the Order dated 03.06.2022 and as per the ESZ Guidelines of 2011.*

*The Committee further observed that the proposal is acceptable and can proceed for finalisation subject to necessary changes made as discussed above are affected and or the Hon'ble Supreme Court provides relief for such a case, as per the review / modification of application filed by the Ministry.*

#### **Item No. 3.4: Sessa Orchid Wildlife Sanctuary, Arunachal Pradesh**

The draft notification for declaration of the EZS around Sessa Orchid Sanctuary, Arunachal Pradesh was published vide S.O. 1567(E). dated 4<sup>th</sup> April, 2022, for inviting stakeholders/public comments. The salient features of the notification are as follows:

Area of PA	: 100 sq. km
Proposed ESZ area	: 16.9237 sq. km. : ESZ area as per revised proposal is 28.38 sq. km.
Proposed ESZ extent	: 0 to 1 km. : ESZ extent as per revised proposal is 0 to 1.1 km;

*[Extent of ESZ is zero on Southern and Western direction bordering Eagle Nest Wildlife Sanctuary].*

The representative of Government of Arunachal Pradesh made a presentation and informed that the maximum ESZ extent is now 1.1 km along the North, North East and East boundary of Sessa Orchid Sanctuary. That, however, the ESZ extent on the Southern and Western side is zero as this PA borders another PA viz. Eagle Nest Wildlife Sanctuary. It was also informed that no comments from stake holders have been received on the proposal.

The Committee suggested the present proposal of Sessa Orchid Wildlife Sanctuary can be integrated with the ESZ of the Eagle Nest Wildlife Sanctuary, so that on the side bordering Eagle nest the zero extent of proposed ESZ technically can be avoided to be in conformity with the Hon'ble Supreme Court's Order of 03.06.2022. To this, the State Government representative responded that final notification for ESZ around Eagle Nest Wildlife Sanctuary has been published vide S.O 2943 dated 28<sup>th</sup> August, 2020 and it would be a procedural difficulty as it falls under separate district. The Committee advised the State Government that integrating would not entail any tweaking with the already finalised and published ESZ of Eagle Nest WLS but only a re-organisation of a common ESZ with that of the Sessa Orchid Sanctuary which the State has the jurisdiction to undertake if it desires to do so. The Committee therefore decided that the State Government shall submit written statement as to the difficulty it has and why it does not desire to do so.

*The Committee observed in case the State does not desire to integrate the present proposal with that of Eagle Nest WLS, it would require submission before the CEC for the justification of zero extent ESZ on the southern and western side for possible relief. Otherwise, the Committee agreed that the instant proposal can be acceptable and can proceed for finalisation subject to necessary changes made as discussed above are affected and or the Hon'ble Supreme Court provides relief for such a case, as per the review / modification of application filed by the Ministry.*

### **Item No. 3.5: Kuno National Park, Madhya Pradesh**

The draft notification of declaration of the EZS around Kuno National Park, Madhya Pradesh was published vide S.O. 2078(E) dated 4<sup>th</sup> May, 2022, for

inviting stakeholders/public comments. The salient features of the notification are as follows:

Area of PA : 748.761 sq. km  
Proposed ESZ area : 725.904 sq. km  
Proposed ESZ extent : 2 km to 15 km

The representative of Government of Madhya Pradesh made a presentation and informed the Committee that the Kuno National Park is home to cheetah re-introduction recently. It was also informed that a draft ESZ notification around Kuno National Park was earlier notified on 09.11.2017 and the proposal was considered in the 30<sup>th</sup> Meeting of the Committee held on 26.06.2017. In the said meeting, representative of the State Government has stated that the protected area was under consideration for upgradation to a National Park. The Committee had therefore decided in the aforesaid meeting that a composite ESZ proposal for a WLS and a National Park may be submitted and was therefore deferred. The draft got lapsed in April, 2019 and a composite draft proposal was re-published on 04.05.2022.

The Committee deliberated the present proposal and desired to know why grasslands could not be included in the ESZ. To this the State Government representative stated that already 90% of the area is forest buffer, for which a robust forests management plan is in place.

*The Committee observed that the State Government shall need to ensure that the activities listed in the table at para 4.0 of the draft notification i.e. List of activities prohibited or regulated within the ESZ, are in accordance with the Order dated 03.06.2022 and as per the ESZ Guidelines of 2011.*

*Based on the deliberations held the Committee agreed that the present proposal seem in order and can be finalised subject to submission of official communication stating that public comments have been addressed and others as noted above.*



**Item No. 3.6: Dachigham National Park, (Baltal)Thajwas Sanctuary and OveraAru Wildlife Sanctuary, Jammu and Kashmir**

The draft notification of declaration of the EZS around Dachigham National Park, (Baltal) Thajwas Sanctuary and OveraAru Wildlife Sanctuary, Jammu and Kashmir were published vide S.O. 2184(E) dated 7<sup>th</sup> June, 2021, for inviting stakeholders/public comments. The draft notification is due to expire on 2<sup>nd</sup> June 2023. The salient features of the notification are as follows:

Area of PA: 769 sq. km (*digitally delineated*); 776 sq. km: (*as per notification*)

Proposed ESZ area: 137.75 sq. km; *Revised ESZ area*: 628.28 sq. km

Proposed ESZ extent: 0 to 9.90 km; *Revised ESZ extent*: 1 to 13.8 km

The representative of the State Government made a presentation and informed that the proposal was earlier considered by the Committee in its 47<sup>th</sup> Expert meeting held on 17.08.2021, wherein, the Committee had noted that high altitude area can also be kept within the ESZ and suggested that the proposal may be revisited along with necessary revisions. Thereafter, the proposal was again placed for re-consideration in the 48<sup>th</sup> Meeting held on 04.03.2022, wherein, the Committee had recommended for finalization of the ESZ proposal subject to submission of clarification on excluding ESZ extent towards Tral Wildlife Sanctuary and that the State Government would submit a separate proposal in respect of ESZ of Tral Wildlife Sanctuary. The State Government has thereafter submitted requisite documents for finalization. However, the proposal was referred back to the State Government on 29.06.2022 due to the recent Order dated 03.06.2022 of the Hon'ble Supreme Court in I.A No. 1000 of 2003 in W.P (Civil) No. 202 of 1995: T.N. GodavarmanThirumulpad versus Union of India &Ors., regarding minimum of 1.0 km ESZ extent.

The features of the ESZ proposal are as follows:

<b>Features</b>	<b>Draft Notification (08.06.2021)</b>	<b>Revised proposal submitted for finalisation</b>	<b>Revised proposal after the Order of the SC dated 03.06.2022</b>
Protected	776 sq.km	776 sq.km	776 sq.km

Area			
ESZ Area	137.75 sq.km	448 sq.km	628.28 sq.km
Extent	0 to 9.9 km	200 m to 13.15 km	1 km to 13.8 km

The Committee deliberated the proposal and desired to know whether the revised ESZ extent and new ESZ areas included are in consultation with the locals at panchayat level, and other relevant stakeholders. To this the State Government representative responded that Panchayat level deliberations have been done. The Committee desired that the details of same should be shared with the Ministry.

*Based on the deliberations held the Committee decided that the proposal can be finalised subject to submission of written statement from the State Government that the new areas included in the ESZ have been taken into account after deliberations with the stakeholders concerned. The Committee also decided that the State Government shall ensure that the activities listed in the table at para 4.0 of the draft notification i.e. List of activities prohibited or regulated within the ESZ, are in accordance with the Order dated 03.06.2022 and as per the ESZ Guidelines of 2011.*

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**LIST OF PARTICIPANTS**

**Members of the Expert Committee**

1. Shri Tanmay Kumar, Additional Secretary, Chairperson, MoEF&CC.
2. Dr. S. Kerketta, Advisor, MoEFCC.
3. Shri Rakesh Kumar Jagenia, DIG, Wildlife Division, MoEFCC
4. Shri, Raghu Kumar Kodali, Director (Wetland Division)
5. Dr. Indra Bhatt, Scientist F, GB Pant Institute of Himalayan, Environment & Development, Almora.
6. Shri Hemant Singh , AIGF, National Tiger Conservation Authority, New Delhi
7. Dr. C. Rahunathan, Scientist-E, Zoological Survey of India, Kolkata.
8. Shri Sanjay K. Agarwal, Deputy Director, Forest Survey of India.
9. Dr. Diwakar Sharma, WWF
10. Dr. Gautam H. Talukdar, Scientist-'E', WII, Dehradun.
11. Dr. Shilpa Gautam, Scientist 'E', ICFRE.
12. Dr. Vishesh Uppal, WWF, New Delhi.
13. Dr. Umesh Kumar Tiwari, Botanical Survey of India, Kolkata.
14. Dr. Sandeep Kumar Raut. Town Planner, Town & Country Planner, TCPO, Ministry of Housing & Urban Affairs.
15. Dr. Satish Garkoti, Ex-Adviser, MoEFCC
16. Shri W. Bharat Singh, Director (SC-'F'), MoEF& CC.

**Ministry of Environment, Forest And Climate Change**

17. Dr. Ritesh Joshi, Additional Director (Sc-E), MoEF&CC.
18. Dr. Veenu Joon, Joint Director (SC-'D'), MoEF&CC.
19. Ms. Ritu Narwaria, (Consultant), ESZ-Division, MoEF&CC.
20. Ms. Chhavi Yadav, (ASO), ESZ-Division, MoEF&CC.

**Officials of Govt of Andhra Pradesh**

21. The Principal Chief Conservator of Forest, Government of Andhra Pradesh.
22. The District Forest Officer, Chittoor, Government of Andhra Pradesh.

**Official of Govt of Assam**

23. Dr. M. K. Yadava, Principal Chief Conservator of Forest, Government of Assam.

**Official of Govt of Arunachal Pradesh**

24. The Chief Wildlife Warden, Government of Arunachal Pradesh.

**Official of Govt of Madhya Pradesh**

25. The Principal Chief Conservator of Forest (WL), Government of Madhya Pradesh.

26. The Additional Principal Chief Conservator of Forest, Government of Madhya Pradesh.

27. The Divisional Forest Officer, Government of Madhya Pradesh.

**Officials of Govt of Jammu and Kashmir**

28. The Chief Wildlife Warden, Government of Jammu and Kashmir.

29. Mr. Rashid Naqash, Regional Wildlife Warden, Kashmir Region, Government of Jammu and Kashmir.