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**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF FORESTS**

No.F.1(71)Forest/2002

Jaipur, dated: March 31, 2011

To,

1. Principal Chief Conservator of Forests (HoFF),
Rajasthan, Jaipur.
2. Principal Chief Conservator of Forests &
Chief Wildlife Warden,
Rajasthan, Jaipur.
3. Addl. Chief Conservator of Forests (Legal & Labour)
Rajasthan, Jaipur.

Sub: Regarding proposal of Eco-sensitive Zones around Protected Areas.

Sir,

In reference to above subject, I am directed to inform you that the State Government after due deliberation has in-principle finalized the Eco-sensitive Zones around the various protected areas, for which, draft notification has been submitted to Ministry of Environment & Forests, Government of India for their final decision and notification. The copy of the letter of even number dated 7.1.2011 along with the draft notification for eco-sensitive zones forwarded to Ministry of Environment & Forests, Govt. of India is enclosed herewith for your information.

Further till a notification is issued regarding Eco-sensitive Zones by the MoEF, GoI, the guidelines for taking non-forestry activities in wildlife habitats as prescribed by the MoEF, GoI letter No. 6-10/2011 WL dated 15.3.2011 (copy enclosed) may kindly be followed.

Encl: As above.

Yours faithfully,


(C.S. Ratnasamy)

Secretary to the Govt.

Copy to the following along with the copies of above referred two letters and their enclosures sent herewith for your information and necessary action:-

1. All District Collectors
2. Deputy Secretary, Forests, Govt. of Rajasthan, Jaipur
3. Member Secretary, Rajasthan State Pollution Control Board, Jaipur -
in reference to his letter No.F.12(Gen-4)RPCB/Gr.Mines 3803 dated
11.3.2011.
4. Deputy Secretary-cum-Director, Environment, Rajasthan, Jaipur.


Secretary, Forests

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MINISTRY OF ENVIRONMENT & FORESTS
NOTIFICATION

New Delhi, the xx xxxx, 20...

The following draft of a notification, which the Central Government proposes to issue in exercise of the powers conferred by sub-section (1) read with clause (v) and clause (xiv) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 for information of all persons likely to be affected thereby; and notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of sixty days from the date on which copies of the Gazette of India containing this notification are made available to the public.

Any person desirous of making any objection or suggestion in respect of the said draft notification may forward the same in writing for consideration of the Central Government within the period so specified to the Secretary to the Government of India, Ministry of Environment and Forests, Paravaran, Bhavan, CGO Complex, Lodi Road, New Delhi, 110003.

DRAFT NOTIFICATION

Whereas, the issue of declaration of Eco-sensitive Zones around the protected areas was deliberated upon in the meeting of Indian Board for Wildlife held on 21st Jan., 2002 and 17th March 2005. Realizing the need for augmenting the conservation of existing protected areas, it was agreed that delineation of eco sensitive zones would have to be site specific, and relate to regulation, rather than prohibition of specific activities. State Government has been consulted in this regard and concurrence obtained. This being an area of potential conflict with local communities, no enhancement of area should be done arbitrarily.

And whereas, the Hon'ble Supreme Court by their order dated 4.12.06 in Writ Petition No. 460/04 in Goa Foundation Vs Union of India directed the State Governments and Union Territories to identify suitable areas and submit detailed proposals of delineation of Eco sensitive zones around the National Parks/ Sanctuaries.

And whereas, the State Government after due consideration has recommended to delineate area as specified in Schedule - A as the Eco sensitive zones.

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And whereas, it is necessary to regulate certain activities detrimental to the conservation of flora and fauna in the protected areas from environmental point of view by creating the Eco-sensitive Zone around them.

Now, therefore, in exercise of powers conferred in sub-section (1) read with clause (v) and clause (XIV) of sub - section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and sub-rule (3) of Rule 5 of the Environment (Protection) Rules 1986 the Central Government hereby notifies around the boundaries of the protected areas enlisted in Schedule A, as specified therein, as the Eco-sensitive zone (hereinafter called The Eco Sensitive Zone).

Schedule -A

(A) Boundaries of Eco-sensitive zone for the Critical Tiger Habitats (CTH), namely ;

S.No	Name	Notification number and date	District
1.	Critical Tiger Habitat of Ranthambhore Tiger Reserve (RTR)	F3(34) Forest/2007 dt:28.12.2007	Sawaimadhopur/ Karauli
2.	Critical Tiger Habitat of Sariska Tiger Reserve (STR)	F3(34) Forest/2007 dt:28.12.2007	Alwar

will be as under :-

1. Eco-sensitive zone for CTH of RTR

- In case of Ranthambhore Critical Tiger Habitat the Eco-sensitive zone along the Phalodi Forest Block includes the complete village limits of Bhatpura, Balapura, Tetara, Phalodi , Todara , Mundarhedi , Balwan Khurd , Ramnagar and Sheopura villages .
- The complete village limits of Dungri, Talda, Bhavpur, Khidanpur Jadon and Sanwatha villages falling in between the boundaries of Ranthambhore National Park and Keladevi wildlife sanctuary will be part of eco sensitive zone.
- For the rest of the area the width of the eco-sensitive zone around the boundary will be 500 meters.

2. Eco-sensitive zone for CTH of STR

a. In case of Sariska Critical Tiger Habitat the width of eco sensitive zone in the following areas will be 100 meters :-

- (i) From Eastern boundary of Berwa Dungari (PF) to western boundary of Baldeogarh (PF) upto Baldeogarh village.
 - (ii) From outer boundaries of Forest Blocks Jaisingpura B,C & D (PF), Tilwad Main (PF), Kalwad (PF), Tilwad A, B & C (PF), Dabkan Main (PF), Dabkan (RF), Bhagani (RF), Tehla (PF), Nandu Main (PF), Nandu A to L (PF), Khariyawas (PF), Tehla Main (PF), Chhodi Cheend (RF), Mallana 'A'(PF), Mallana Main (PF), Jaisingpura Main & A (PF)
- b. For the rest of the area the width of the eco-sensitive zone around the boundary will be 500 meters.

(B) Boundary of Eco-sensitive Zone for the following National Parks will be 500 meters around the notified limits;

S.No	Name	Notification number and date	District
1.	Keoladeo National Park	F.3(5)(9)Raj.8/72 dt:26.8.81	Bharatpur
2.	Mukundara Hills National Park	F.11(56)Forest/2001 Part dt:3.3.06	Kota/ Chittorgarh

(C) Boundary of Eco-sensitive Zone for the following Wildlife Sanctuaries will be 100 meters around the notified limits;

S.No	Name	Notification number and date	District
1.	Bandh Baretha Wildlife Sanctuary	F.11(1)Env/85 dt:5.10.85	Bharatpur
2.	Bassi Wildlife Sanctuary	F.1(41)Raj.8/86 dt:29.8.88	Chittorgarh
3.	Bhainsrodgarh Wildlife Sanctuary	F.11(44)Raj.8/81 dt:5.2.83	Chittorgarh
4.	Darrah Wildlife Sanctuary	F.39(2)Forest/55 dt:7.11.55	Kota/ Jhalawar

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5.	Jaisamand Wildlife Sanctuary	F.39(2)Forest/55 dt:7.11.55	Udaipur
6.	Jamwa Ramgarh Wildlife Sanctuary	F.11(19)Raj.8/81 dt:31.5.82	Jaipur
7.	Jawahar Sagar Wildlife Sanctuary	F.3(5)(13)Rev./8/73 dt:9.10.75	Kota/Bundi/Chittorgarh
8.	Kesarbagh Wildlife Sanctuary	F.39(2)Forest/55 dt:7.11.55	Dholpur
9.	Kumbhalgarh Wildlife Sanctuary	F.10(2)Rev.8/71 dt:13.7.71	Pali/Udaipur/Rajsamand
10.	Nahargarh Wildlife Sanctuary	F.11(39)Raj.8/80 dt:22.9.80	Jaipur
11.	Phulwari Ki Nal Wildlife Sanctuary	F.11(1)Raj/8/83 dt:6.10.83	Udaipur
12.	Ramgarh Vishdhari Wildlife Sanctuary	F.11(17)Raj.8/79 dt:20.5.82	Bundi
13.	Ramsagar Wildlife Sanctuary	F.39(2)Forest/55 dt:7.11.55	Dholpur
14.	Sajjanganr Wildlife Sanctuary	F.11(64)Raj.8/86 dt:17.2.87	Udaipur
15.	Shergarh Wildlife Sanctuary	F.11(35)Raj/Gr.8/83 dt:30.7.83	Baran
16.	Sitamata Wildlife Sanctuary	F.11(9)Rev.(Gr.8)/78 dt:2.1.79	Chittorgarh/Pratapgarh/Udaipur

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17.	Todgarh Raoli Wildlife Sanctuary	F.11(56)Raj.Gr.8/82 dt:28.9.83	Ajmer/Pali/Rajsamand
18.	Van Vihar Wildlife Sanctuary	F.39(2)Forest/55 dt:7.11.55	Dholpur

(D) Boundary of Eco-sensitive Zone for the following Wildlife Sanctuaries will be Zero meters around the notified limits, since most of the area falling under these Sanctuaries is non-forest land;

1.	National Ghariyal Sanctuary	F 11(12)/ Revenue/Gr-8/78 dt. 16.07.83	Kota/Bundi/Sawimadhapur/Karauli/ Dholpur
2.	Desert National Park Wildlife Sanctuary	F.3(1)(73)Rev/8/73 dt:4.8.80	Jaisalmer/Barmer

(E) In case of Tal Chhapar Wildlife Sanctuary of Churu district notified vide Notification No. F.7(379) Rev.A/59 dated 4.10.1962 the boundary of Eco-sensitive zone in north direction will be along the Bidasar-Chhapar road from village Charwas to Chhapar and along Chhapar to railway station road upto the point of intersection of Mega Highway Ratangarh-Sujangarh and Eastern boundary will be along Mega Highway from point of intersection of Chhapar to railway station road upto village Rampura. In rest of the area (i.e. towards South & West) the width of the Eco-Sensitive Zone will be 100 meters from the boundary of the sanctuary.

(F) In case of Mount Abu Wildlife Sanctuary notified vide Notification No. F.11 (40) Forest/97 dated 15.4.2008 the boundary of Eco-sensitive zone has already been notified by Ministry of Environment & Forests, Government of India vide Notification No. S.O.1545 (E) Dated 25.06.2009.

Note :-

In case of contiguous boundaries of two or more wildlife sanctuaries/National Parks/Critical Tiger Habitats the eco-sensitive zone will not be required in the adjoining area along the contiguous boundary of the wildlife sanctuaries/National Parks/Critical Tiger Habitats.

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1. The following activities are to be regulated in the Eco-sensitive zone, namely:-

1.1. Mining:

Areas already broken in existing lease may be permitted to be mined for the current lease period, without blasting and without increasing present production capacity as sanctioned. No fresh land may be broken. After expiry of current lease, no renewal of lease shall be granted. No new mining area shall be granted within the eco sensitive zone.

1.2. Industrial Units:

The existing industries may be permitted to operate provided they fulfill the environmental safeguards to achieve the emission standards prescribed under the provisions of Air (Protection and Control of Pollution) Act 1981, The Water (Prevention and Control of Pollution) Act 1974, and Environment (Protection) Act 1986, and rules made there under. No new air-polluting and water-polluting industry should be allowed in the eco sensitive zone. Only non-polluting, non-hazardous cottage industries in the Notified area shall be permitted with prior consent of the District Level Monitoring Committee (DLMC) as prescribed at para 3 here in under.

1.3. Human Habitation and Settlements:

The existing habitations within the eco sensitive zone should be made to adopt the environmental safeguards, including, but not limited to (i) For proper sanitation all the villages and towns should be provided with sewer system with terminal treatment through sewage treatment plant (STP) root zone treatment system or Decentralized Waste Water (Dewats) system, and treated sewage should be used for raising plantation or greenbelt. (ii) The municipal solid waste should be managed in accordance with the provisions of Municipal Solid Waste (Management & Handling) Rules 2000 read with compliance criteria and method indicated under Schedule II & III of the said rules. (iii) The bio-medical waste generated from healthcare units shall be managed according to provisions of the Biomedical Waste (Management & Handling) Rules 1998. (iv) Noise level in such habitations shall not exceed the standards prescribed under Noise (Regulation & Control) Rules 2000. (v) The vehicles plying in the villages and towns should comply with the standards of automobile emissions prescribed under the Motor Vehicles Act and relevant rules there under.

1.4. Roads and Highways:

The National Highway Authority or other agency responsible for the highways should construct a fence on both flanks of the highways passing through the eco sensitive zone, and put up signboards for indicating a silence

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zone so to avoid noise caused by honking of vehicle horns. No new roads and highways may be constructed passing through the eco sensitive zone.

1.5. Hotels and Tourism:

Existing hotels and hotel projects on the land duly converted for such purpose by the competent authority and under construction prior to this notification situated inside the eco sensitive zone should be required to treat their effluent through STP having a tertiary treatment and the treated effluent is to be reused for toilets and gardening, and if any discharge is let out of the premises the same shall conform to prescribed permissible limits.

No new hotels should be constructed in the eco sensitive zone. However, lodging facilities consistent with the eco-tourism policy may be permitted with prior consent of the District Level Monitoring Committee (DLMC) as prescribed at para 3 here in under.

2. Restrictions on changes of land use:-

No change of land use from green uses such as orchards, horticulture areas, agriculture parks and other like places to non green uses shall be permitted in eco-sensitive zones, except that strictly limited conversion of agricultural lands may be permitted to meet the residential needs of the existing local residents together with natural growth of the existing local populations without the prior approval of the State Government. No land conversion for any other purposes may be allowed within the eco sensitive zone.

3. Monitoring Committee:-

3.1. In exercise of the powers conferred by sub section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government hereby constitutes a committee called the District Level Monitoring Committee (DLMC) in the districts in which the Eco-Sensitive Zones are situated to monitor the compliance of the provisions of this notification.

3.2. The composition of the DLMC shall be as follows:

(i) District Collector

Chairman

(ii) DCF(s) / Officer(s) in charge of protected area

falling within that district

Member-Secretary

(iii) District level officers of the following Departments: PWD,
Mining, Town Planning, Industry, Tourism

Members

(iv) Regional Officer (RO) of the State Pollution Control Board

Member

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- (v) A representative of the Ministry of Environment & Forests,
Govt. of India Member

3.3. The Monitoring Committee shall, within the geographical limits of the eco-sensitive zones, have the powers to

- (i) Monitor the progress of implementation of the notification and any programs/schemes for protection and improvement of the environment in this area.
- (ii) Exercise powers under section 5 of the Environment (Protection) Act, 1986.
- (iii) Deal with any environmental issues which may be referred to it by the Central Government or the State Government of Rajasthan relating to this area.
- (iv) The forgoing powers & functions of the Monitoring Committee shall be subject to the overall supervision and control of the Central Government.
- (v) The Chairman or Member Secretary of the Monitoring Committee or any officer authorized by the Monitoring Committee shall be competent to file complaints under section 19 of the Environment (Protection) Act, 1986 (29 of 1986) for non-compliance of the provisions of this notification.

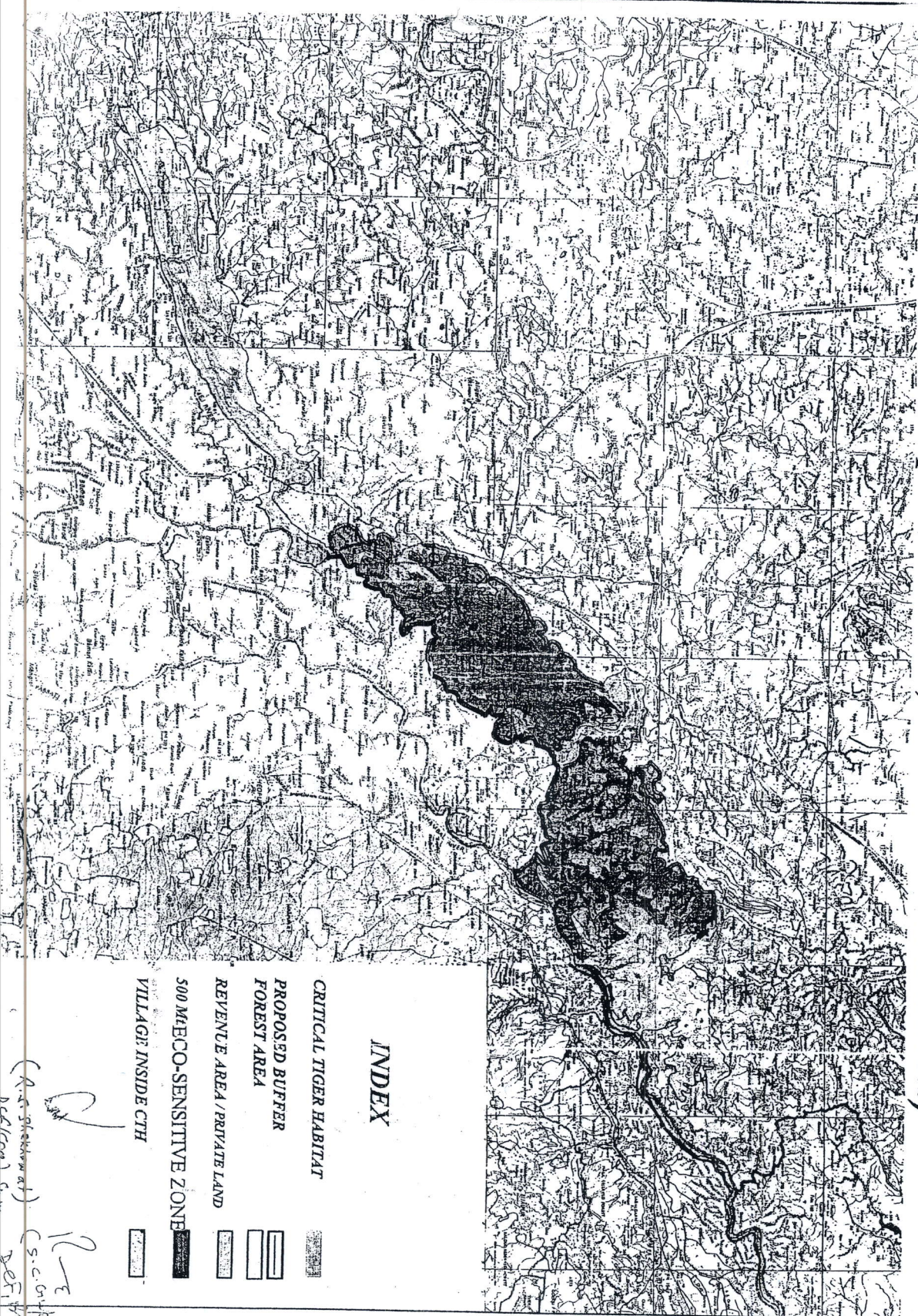
3.4. The Monitoring Committee shall submit its annual action taken reports by 31st March of every year to the Ministry of environment and Forest. The Ministry shall give its directions from time to time for effective discharge of the function of the Monitoring committee.

3.5. No powers shall be deemed to be delegated to any committee as are required to be exercised by the Government of India as per the provisions of the Environment Impact Assessment Notification of 14 Sept. 2006, and as may be subsequently amended.

PAINTHAMBHORE TIGER RESERVE

PROPOSED ECO-SENSITIVE ZONE

(Savainadhapur, Karauli, Tonk & Bundi Districts)



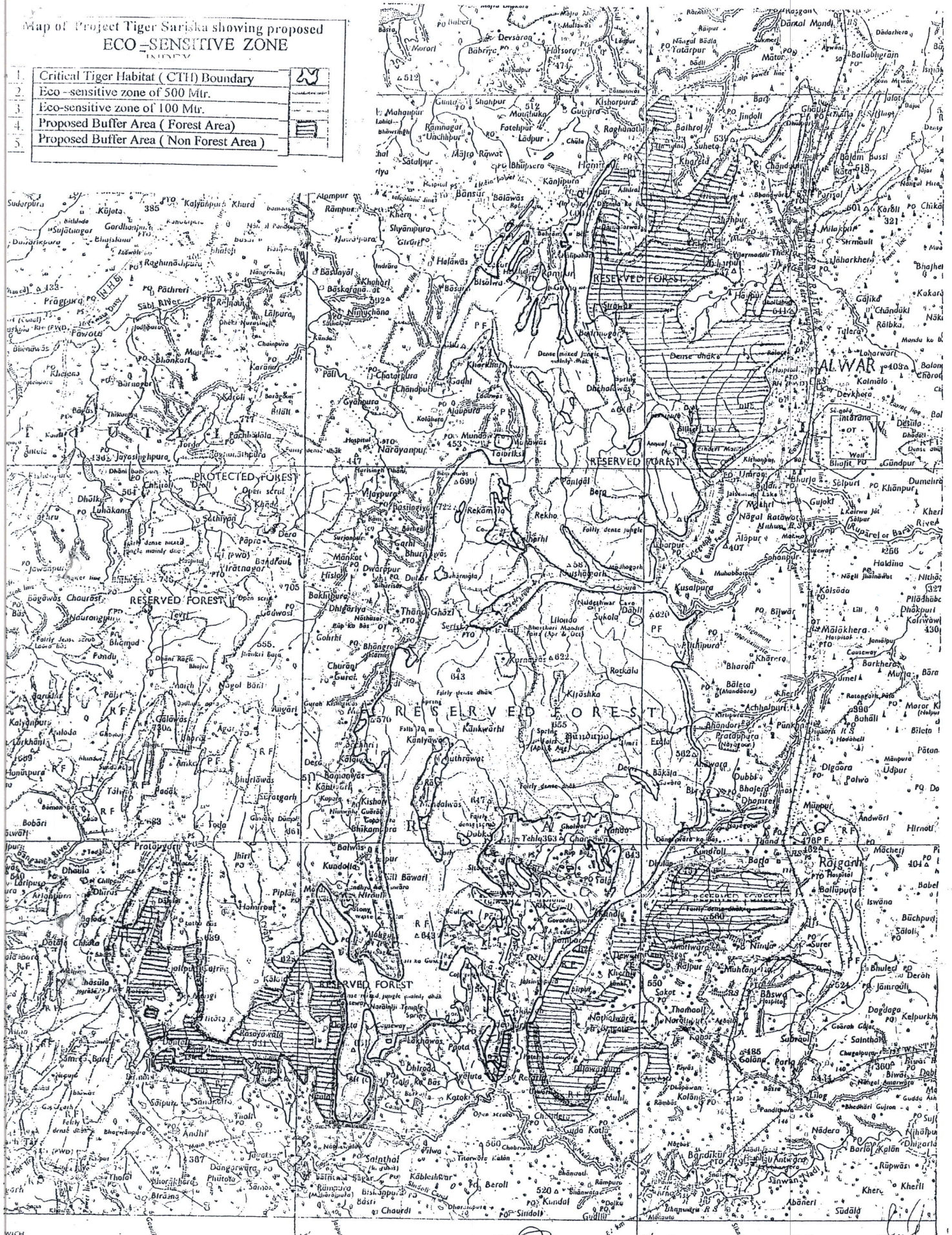
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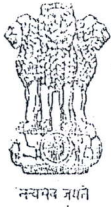
- CRITICAL TIGER HABITAT
- PROPOSED BUFFER FOREST AREA
- REVENUE AREA / PRIVATE LAND
- 500 M/ECO-SENSITIVE ZONE
- VILLAGE INSIDE CTH

(A.S. Shrivastava)
Def. Forest
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Map of Project Tiger Sariska showing proposed ECO-SENSITIVE ZONE

1.	Critical Tiger Habitat (CTH) Boundary	
2.	Eco-sensitive zone of 500 Mtr.	
3.	Eco-sensitive zone of 100 Mtr.	
4.	Proposed Buffer Area (Forest Area)	
5.	Proposed Buffer Area (Non Forest Area)	





Government of India
Ministry of Environment and Forests
(Wildlife Division)

Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi-110003

F. No. 6-10/2011 WL

Dated: 15th March 2011

Sub: Guidance document for taking up non-forestry activities in wildlife habitats

The Wildlife (Protection) Act, 1972 and orders of Hon'ble Supreme Court makes it mandatory for following certain procedures for taking up any non-forestry activity in wildlife habitats. However, many firms/individuals approach the Ministry seeking the details of procedures to be adopted. In order to facilitate and guide the people on the various steps that need to be followed for taking up non forestry activities in wildlife habitats, a guidance document has been prepared which is enclosed for ready reference and necessary action.

(Prakriti Srivastava)

Deputy Inspector General (WL)

Telefax: 011-24360704

E.mail: digwl-mef@nic.in

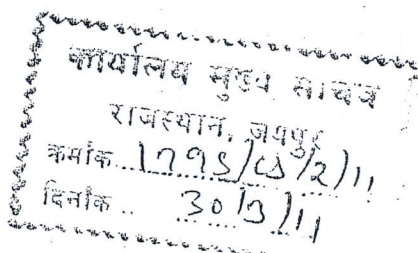
Encl: As above

Distribution:

1. The Secretary, all Ministries/Departments of Government of India, New Delhi
2. The Chief Secretary, all States/Union Territories
3. The Pr. Chief Conservator of Forests, all States/Union Territories
4. The Chief Wildlife Warden, all States/Union Territories.

Copy to:

1. PS to Hon'ble MEF
2. PPS to Secretary (E&F), MoEF
3. FPS to DGF & SS, MoEF
4. PPS to Addl. DGF(WL)
5. PPS to Addl. DGF(FC)
6. PS to Advisor, I.A Division, MoEF
7. The NIC Cell- with a request to kindly upload the same on the official website of the Ministry.



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GUIDELINES FOR TAKING NON-FORESTRY ACTIVITIES IN WILDLIFE HABITATS

1. POLICY AND APPROACH:

1.1 General Policy

National Parks, Sanctuaries and Conservation Reserves are extremely important for conservation of biodiversity, and for ensuring the survival of floral and faunal components of biodiversity, not only for the present but also for future. However, the rising human population and their growing demands for socio economic development have placed tremendous stress on such areas both directly and indirectly. Keeping in view the fact that a balance has to be struck between development and conservation, any activity involving use or diversion of protected areas may be considered only under **most exceptional** circumstances. Additionally, such activities to be taken up in the wildlife habitats need to be governed by the orders of Hon'ble Supreme Court as well as the statutory requirements as provided in the Wild Life (Protection) Act, 1972.

1.2 Activities inside Wildlife Sanctuaries:

The Wild Life (Protection) Act, 1972 provides that the recommendation of the **State Board for Wildlife** (*a Board chaired by the State Chief Minister*) is essential for any kind of destruction/damage/removal of any wildlife or for diverting the habitat of any wild animal, including removal of forest produce or diverting / stopping / enhancing the flow of water into or outside the Sanctuary.

Further, in view of the directions of Hon'ble Supreme Court in Writ Petition (Civil) No. 337/1995, all such proposals also require the recommendation of the **Standing Committee of National Board for Wildlife** (*a Committee chaired by the Minister in charge of the Ministry of Environment and Forests*).

1.3 Activities inside National Parks:

The Wild Life (Protection) Act, 1972 provides that the recommendation of the **National Board for Wildlife** (*a Board chaired by the Prime Minister*) is essential for any kind of destruction/damage/removal of any wildlife or for diverting the habitat of any wild animal, including removal of forest produce or diverting / stopping / enhancing the flow of water into or outside the National Park.

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However, as the Standing Committee of National Board for Wildlife has been delegated the powers of the National Board for Wildlife, such cases are to be referred to the Standing Committee of National Board for Wildlife for consideration and recommendation.

1.4 Activities inside Conservation Reserves:

The Ministry of Law and Justice has opined that activities to be taken up inside a Conservation Reserve can also be dealt with the Standing Committee of NBWL. Therefore, the procedure indicated under para 2 below needs to be followed for planning and executing any activity inside Conservation Reserve also.

1.4 Activities within 10 Kms from boundaries of National Parks and Wildlife Sanctuaries:

In pursuance to the order of Hon'ble Supreme Court in Writ Petition (Civil) No. 460/2004, the Ministry of Environment and Forests has issued an Office Memorandum on 2nd December 2009 (Annexure-1), indicating that Environmental Clearances for all such projects that fall within 10 Kms boundary of the National Parks and Sanctuaries will be subject to recommendation of the Standing Committee of NBWL.

2. PROCEDURE TO BE FOLLOWED FOR ACTIVITIES INSIDE NATIONAL PARKS, WILDLIFE SANCTUARIES AND CONSERVATION RESERVES:

- 2.1 The User Agency/Project Proponent is required to submit the proposal in the prescribed proforma that has been prescribed by the Ministry of Environment and Forests, and is available on the website of the Ministry (<http://envfor.nic.in>) (Annexure-2).
- 2.2 The prescribed proforma has five parts and each part is required to be filled in by the User Agency; concerned Divisional Forest Officer/Park Manager; Concerned Chief Conservator of Forests; Concerned Chief Wildlife Warden and the Forest Secretary.

- 2.3 The proforma also seeks information in detail on the biodiversity of the area in question; maps of the area, other activities already in place; possible impacts of the proposal, etc.
 - 2.4 The User agency is required to submit Part-I and Part-II of the proforma duly filled in to the concerned Forest Officer, who in turn, forwards the same to the Chief Wildlife Warden through the Chief Conservator of Forest.
 - 2.5 The Chief Wildlife Warden, after giving his specific comments on the proposal, forwards the same to the Government of India, through the Forest Secretary **after obtaining the recommendation of the State Board for Wildlife on the proposal.**
 - 2.6 The proposal so received from the State Government is placed before the Standing Committee of NBWL, chaired by Minister of State (I/C) Environment and Forests. The meeting of the Standing Committee is convened once in 2-3 months.
 - 2.7 In cases where the area proposed for diversion is large and/or the impact of the project on wildlife is considered to be serious, site inspections are conducted by the members of the Committee on the instructions of the Standing Committee of NBWL.
 - 2.8 The site inspection reports are generally considered in the next meeting of the Standing Committee to enable the Committee to make its recommendation.
 - 2.9 After the Standing Committee of NBWL recommends the proposal, the User Agency/State Government is required to approach Hon'ble Supreme Court for final clearance in view of the Court orders dated 13.11.2000.
- [Note: Hon'ble Supreme Court vide their order dated 13.11.2000 had directed that there shall be no dereservation/denotification of National Parks and Sanctuaries without approval of the Supreme Court. Therefore, to take up any such activity, a clearance from Hon'ble Court is mandatory.]*
- 2.10 In case of Border Roads, proposals of the Ministry of Defence, a simplified proforma for simultaneous clearance under the Forest (Conservation) Act, 1980 and wildlife clearance is being adopted under 'A Single Window System'.

3. **PROCEDURE TO BE FOLLOWED FOR ACTIVITIES WITHIN 10 KMS FROM BOUNDARIES OF NATIONAL PARKS AND WILDLIFE SANCTUARIES:**

- 3.1 In case the project site is located within the eco-sensitive zone or 10 Kms in absence of delineation of such a zone from the boundaries of National Parks, Wildlife Sanctuaries or is an Elephant Reserve/Tiger Reserve and/or important corridors of wildlife movement, the User agency/Project Proponent should seek prior clearance from the Standing Committee of NBWL before seeking Environmental Clearance and the procedure as mentioned under paragraphs 2.1 to 2.8 above are required to be followed in such cases also.

[Note: The Standing Committee of NBWL has been insisting on the recommendation of the State Board for Wildlife for all proposals, including those falling within 10 Kms from the boundary of National Parks and Sanctuary].

4. **PROPOSALS FOR SURVEY WORK TO BE CARRIED OUT INSIDE NATIONAL PARKS AND WILDLIFE SANCTUARIES:**

In case any kind of survey work and/or Environment Impact Assessment (EIA) studies, that is a prelude to future diversion of land, are to be taken up in areas involving a wildlife habitat, then also the entire procedure, as prescribed in paragraph 2 above would need to be followed.

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ANNEXURE-1

No. J-11013/41/2006-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 2-4362434

Dated the 2nd December, 2009

OFFICE MEMORANDUM

Sub: Procedure for consideration of proposals for grant of environmental clearance under EIA Notification, 2006, which involve forestland and or wildlife habitat – Regarding.

The issue regarding the procedure to be followed for consideration of proposals for grant of environmental clearance under EIA Notification, 2006, which involve forestland and or wildlife habitat has been under consideration of this Ministry. The issue has been discussed and deliberated at length and the provisions of EIA Notification, 2006 as contained in para 8 (v) of the said notification have also been considered.

2. It has now been decided that the following procedure shall be adopted in dealing with such cases.

- (i) The proposals for environmental clearance will not be linked with the clearances from forestry and wildlife angle even if it involves forestland and or wildlife habitat as these clearances are independent of each other and would in any case need to be obtained as applicable to such projects before starting any activity at site.
- (ii) While considering such proposals under EIA Notification, 2006, specific information on the following should be obtained from the proponent:
 - (a) Whether the application for diversion of forestland involved in the project has been submitted? If so, what is the status of grant of forestry clearance? It would be essential that in such cases, the application for diversion of forestland has been submitted by the project proponent before they come for environment clearance and a copy of the application submitted for forestry clearance along with all its enclosures should also be submitted by the proponent along with their environment clearance application.
 - (b) Information about wildlife clearance, as applicable to the project should also be obtained. The project proponent should submit their application for wildlife clearance / clearance from Standing Committee of the National Board for Wildlife to the Competent Authority before coming for environment clearance and a copy of their application should be furnished along with environment clearance application.
- (iii) The proposal from environmental angle will be appraised by the respective Expert Appraisal Committee and recommendations made on the same which will be processed by the IA Division and approval obtained from the Competent Authority. However, while granting environmental clearance to projects involving forestland, wildlife habitat (core zone of elephant/tiger reserve etc.) and or located within 10 km of the National Park /

Wildlife Sanctuary (at present the distance of 10 km has been taken in conformity with the order dated 4.12.2006 in writ petition no. 460 of 2004 in the matter of Goa Foundation Vs Union of India), a specific condition shall be stipulated that the environmental clearance is subject to their obtaining prior clearance from forestry and wildlife angle including clearance from the Standing Committee of the National Board for Wildlife as applicable. Further, it will also be categorically stated in the environment clearance that grant of environmental clearance does not necessarily implies that forestry and wildlife clearance shall be granted to the project and that their proposals for forestry and wildlife clearance will be considered by the respective authorities on their merits and decision taken. The investment made in the project, if any, based on environmental clearance so granted, in anticipation of the clearance from forestry and wildlife angle shall be entirely at the cost and risk of the project proponent and Ministry of Environment & Forests shall not be responsible in this regard in any manner.

- (iv) A copy of the clearance letter, besides others, shall also be endorsed to (i) IGF(FC), MoEF, (ii) IGF(WL), MoEF, (iii) PCCF of respective States and (iv) Chief Wildlife Warden of the State.

Note: There will not be any need to refer the files relating to grant of environmental clearance from IA Division to FC Division and or Wildlife Division during consideration of proposals under EIA Notification, 2006, as done at present in view of the course of action stipulated at paras 2(i) - (iv) above.

This issues with the approval of the Competent Authority.


(S.K. Aggarwal)
Director

To

All the Officers of IA Division

Copy to:-

1. PPS to AS(JMM)
2. PPS to ADG(F)
3. PPS to ADG (Wildlife)
4. IGF(FC)
5. Advisor (GKP)
6. Advisor (NB)
7. Director (PLA) with a request to issue necessary instructions to all the SEIAAs/SEACs to follow the above instructions.
8. Website of the Ministry.

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ANNEXURE-2

FORMS

(All documents to be submitted in triplicate and signed in Blue ink)

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PART I

Proposal for Investigation and Survey in the National Park / Sanctuary

(Details to be provided by the Applicant)

1. Name of the Organization
2. Aims and Objectives of the Proposed Project
3. Location and Map (1:50,000 scale) of the area duly authenticated by the competent authority to be investigated/ surveyed
4. Whether investigation/survey requires clearing of vegetation
5. If yes, please specify the extent (in Ha.)
6. Opinion of the Officer In Charge of the NP/ WLS (Attach signed copy)
7. Opinion of the Chief Wildlife Warden (Attach signed copy). The following be included in the opinion:
 - i) Brief history of the protected area
 - ii) Current status of wildlife
 - iii) Current status of pressures on protected areas.
 - iv) Projected impacts of projects on wildlife, habitat management and access/ use of resource by various stakeholders.
 - v) Contiguous wildlife areas which would benefit wildlife if added to national park/sanctuary.
 - vi) Other areas in the State which have been recommended by State Government, Wildlife Institute of India, BNHS, SACON, IISC, IUCN or other expert body for inclusion in protected area network.

Signed

Signed

Signed

Project Head
Name
Organization

The Officer In Charge of the NP/ WLS
Office Seal

The CWLW
Office Seal

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PART II

(To be filled in by the Applicant)

1 Project details:

- (i) Copy of the Investigation and Survey report.

(The report should include the dates of survey and the names of the investigators, surveyors and all officials of the concerned NP/ WLS who remained present during the period)

- (ii) Self contained and factual project report for which NP/WLS area is required

(Enclose copy of the Project Appraisal document)

- (iii) Map (duly authenticated by the Divisional / District Head of the Department dealing with Forests and Wildlife) on a scale of 1: 50,000 showing the boundaries of the NP/WLS, delineating the area in question in red color).

- (iv) Self contained and factual report of at least two alternatives considered by the project authorities along with technical and financial justification for opting national park/ sanctuary area.

- (v) Copy of the Bio diversity Impact Assessment report in case the proposal involves diversion of more than 50 ha. NP/WLS area.

2 Location of the project/scheme

- (i) State/Union Territory
(ii) District
(iii) Name of the National Park/ Sanctuary

3 Details of the area required (in Hectares only)

(Provide break up of the land use under the project, e.g., construction of dam, submergence, housing for staff, road etc)

4 Details of displacement of people, if any, due to the project

- (i) Total number of families involved in displacement
- (ii) Number of scheduled caste/Scheduled tribe families involved in displacement
- (iii) Detailed rehabilitation plan

5 Any other information relevant to the proposal but not covered in any of the columns above.

Signed by

Project Head

Name

Organization

Date of submission to the Head of the National Park / Sanctuary

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PART III

(To be completed by the Officer -in- Charge of the National Park/ Sanctuary completed and submitted to the Chief Wild Life Warden or officer authorized by him in this behalf within 30 days of the receipt of PART - II)

- 1 Date of receipt of the PART - II
- 2 Total Area (Ha.) of national park/sanctuary
- 3 Total area (Ha.) diverted from the NP/WLS so far for development purposes
- 4 List the past projects and the area (Ha.) diverted

Name of Project	Area Diverted	Year of Diversion
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- 5 Positive impact(s) due to the diversion of area for the projects referred to in column 4 above

Name of the Project(s)	Positive Impact	Scientific Basis of Assessment
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(Attach separate sheet, if required)

- 6 Negative impact/s due to the diversion of area for the projects referred to in column 4 above

Name of the Project(s)	Negative Impact	Scientific Basis of Assessment
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(Attach separate sheet, if required)

- 7 Management Plan Period

Attach copy of the Management Plan/Management Scheme/ Recommendation of Chief Wildlife Warden

- 8 List Management actions taken/ proposed to be taken in the whole Block/ Zone in which the proposed area is located.

- 9 Type of forest in which the proposed area falls.

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- 10 Location of the proposed area w.r.t. the critical/intensive wildlife management areas/ wildlife habitats (attach Map to scale).
- 11 List the likely POSITIVE AND NEGATIVE impact/s of the proposed project giving scientific and technical justification for each impact.
- 12 Provide COMPREHENSIVE details of the impact of the proposal in terms of Sections 29 and/or section 35 (6) of the Wild Life (Protection) Act, 1972 as the case may be.
- 13 Whether the project authorities have ever committed violation of the Wild Life (Protection) Act, 1972 or Forest Conservation Act, 1980. If yes, provide the EXHAUSTIVE details of the offence and the present status of the case.

(Concealing or misrepresenting the facts will lead to rejection of the case in addition to any other penalty as prescribed under Law)
- 14 Have you examined the Project Appraisal document and the alternatives as provided in PART – II?
- 15 Have you examined the Bio diversity Impact Assessment Report?
- 16 If Yes, please give your comments on the recommendations given in the report?
- 17 Dates and duration of your field visits to the proposed site.
- 18 Do you agree that the present proposal of diversion of NP/WLS area is the best or the only option and is viable.
- 19 Any other information that you would like to bring to the notice of the State Board for Wildlife, National Board for Wildlife or its Standing Committee that may be relevant and assist in decision making.
- 20 Do you recommend the project.

(Please provide full justification to support your recommendations)

Signed by

The Officer In Charge of the NP/ WLS

Official Seal

Date of submission to the Chief Wild Life Warden or any other officer authorized by him in this regard

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PART IV

(To be completed by the Chief Wildlife Warden within 15 days of the receipt of PART - II and Part- III)

- 1 Date of RECEIPT of PART- II and Part- III by the Chief Wild Life Warden or the officer authorized by him in this regard
- 2 Do you agree with the information and recommendations provided by the Officer -- in -- Charge in PART - III?
- 3 If not, please provide the reasons
- 4 Have you visited the site yourself and held discussions with the applicant?
- 5 Do you agree that the present proposal for permitting use of NP/WLS area is the best option or the only option, and is viable?
- 6 Please provide specific comments w.r.t. Section 29 of the Wild Life (Protection) Act, 1972
- 7 Any other information that you would like to bring to the notice of the State Board for Wildlife, National Board for Wildlife or its Standing Committee that may be relevant and assist in decision making
- 8 Do you recommend the project?

(Please provide full justification to support your recommendations)

- 9 Conditions, if any, to be ensured in the interest of protection and conservation of wildlife for allowing use of the area?

Signed by

The Chief Wildlife Warden

Name

State

Official Seal

Date of submission to the State Government

PART V

(To be completed by the Department in Charge of Forestry and Wild Life in consultation with the State Board for Wild Life within 30 days of the receipt of PART - II, PART- III and PART- IV)

- 1 Date of RECEIPT of PART- II, PART- III and PART - IV by the Department
- 2 Do you agree with the recommendation(s) of the Chief Wildlife Warden
- 3 If not, please provide the reasons.
- 4 Did you provide PART- II, PART- III and PART - IV to the members of the State Board for Wild Life?
- 5 Attach copy of the opinion of the State Board for Wild Life
- 6 Give details of the recommendations of the State Government

Signed by

The Principal Secretary

Name

State

Official Seal

Date of submission to the Central Government

जयराम रमेश
JAIRAM RAMESH



राज्य मंत्री (स्वतंत्र प्रभार)
पर्यावरण एवं वन
भारत सरकार
नई दिल्ली-110003
MINISTER OF STATE (INDEPENDENT CHARGE)
ENVIRONMENT & FORESTS
GOVERNMENT OF INDIA
NEW DELHI - 110 003

1093/PS/4
6/4/11

कार्यालय

वन विभाग

पत्रावली

दिनांक

6.4.11

268

5th April, 2011

No. PS-MS(NTCA)/2011-Misc.

Dear My dear Ashokji -

कार्यालय वन विभाग

राजस्थान राजधानी जयपुर

जयपुरी पत्रावली

दिनांक 7-4-11

You may kindly recall our discussion regarding the declaration of ecosensitive zones around protected areas / tiger reserves during my recent visit to the State.

I have gone through the draft notification and my comments are enclosed.

I would very much appreciate if the draft amendment is revisited and modified suitably to incorporate the suggestions. Further, I also suggest that in the case of Sariska and Ranthambhore, the forest areas beyond the prescribed radial limits should also be included as part of the buffer zone, to facilitate habitat supplement for wild animals while providing scope for addressing man-wildlife conflicts.

With regards,

Yours sincerely,

Jairam Ramesh
(Jairam Ramesh)

Shri Ashok Gehlot,
Hon'ble Chief Minister,
Government of Rajasthan,
Government Secretariat,
Jaipur, Rajasthan.

Encl: As above.

Pls discuss with concerned file

6/4/11

Secy (F)

मन्त्री का कार्यालय
नई दिल्ली
110003

COMMENTS

- (i) The width of the ecosensitive zone in non-forest areas around the boundary should be a minimum of 1000 meters instead of 500 meters.
- (ii) The villages falling between the old Ranthambhore National Park and Keladevi as well as Sawai Mansingh Sanctuaries should be included in the ecosensitive zone.
- (iii) The non-forest area / villages between Sariska Tiger Reserve and Jamua Ramgarh Sanctuary as well as all the villages enclaved in the non-forest areas of Sariska Tiger Reserve should also form part of the ecosensitive zone.
