

Minutes of the meeting to discuss the Ecologically Sensitive Areas (ESA) of the Western Ghats held under the Chairmanship of Shri A. K. Mehta, Additional Secretary, MoEF&CC on 11th April, 2018 at the Ministry of Environment and Forest and Climate Change, Indira Paryavaran Bhawan, New Delhi.

To discuss the draft Notification dated 27.02.2017 of the Ecologically Sensitive Areas (ESA) of the Western Ghats, a meeting was held under the Chairmanship of Shri A. K. Mehta, Additional Secretary, MoEF&CC on 11th April, 2018 at the Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, New Delhi. The meeting was held in two sessions- (i) discussion in the forenoon session was held with the representative of the Government of Karnataka and (ii) the afternoon session was for the discussion with the states of Kerala, Tamil Nadu, Goa, Maharashtra and Gujarat. However, no State Government representative from Goa and Gujarat were present in this meeting. The list of participants attended the meeting is annexed (**Annexure-A**).

2. At the outset, the Chairperson welcomed the representative of the State Governments and the Experts present in the meeting. After brief introduction of the participants, Adviser (LK) mentioned that the purpose of this meeting is to understand the concerns of the respective State Governments on the Draft Notification dated 27.02.2018 declaring Ecologically Sensitive Areas of the Western Ghats and to proceed further in the matter. He made a brief presentation on the present status on the Draft Notification and the respective State Governments were invited for the presentation of views of their states.

3. Presentation of the State Governments:

3.1 Government of Karnataka

Representative of state Government of Karnataka mentioned that the High Level Working Group (HLWG) recommended an area of 20,668 sq kms with 1576 villages as Ecologically Sensitive and the draft Notification of the Ministry was published with the same area. After the republication of the draft notification dated 27.02.2017, the state Government in its communication, dated 22.04.2017 rejected the recommendations of the High Level Working Group (HLWG) and requested to withdraw the Draft Notification.

The representative of the state Government mentioned that under different provisions of Reserve Forest, Protected Areas and Eco-sensitive Zones, State Government is already regulating about 22000 sq km of area [more than the area recommended by the High Level Working Group (HLWG)] in the Western Ghats region of the state under different Acts, Rules and Regulations. Considering the apprehensions of the people another layer of protection in the form of ESA may not be needed.

The Chairman observed that the HLWG had recommended a contiguous area for the ESA covering six states and the entire exercise of protecting Western Ghats is required to be carried out in the same spirit.

It was informed that notification would only prohibit five categories of new and/or expansion projects/activities having maximum interventionist impact on Western Ghats ecosystems namely (i) Mining, quarrying and sand mining (ii) Thermal Power Plants (iii) Building and construction projects of 20,000 square meters area and above (iv) Township and area development projects with an area of 50 hectares and above and /or with built up area of 1,50,000 square meters and above and (v) Red category of industries.

The Chairman further elaborated that in the Notification process there may be some agreement and some disagreement and mutually a common understanding need to be evolved rather than rejecting the entire effort. He proposed constituting a committee to look after the concerns and apprehensions of the state Government for arriving at mutual consensus and to develop coherent and consistent approach to proceed with the Notification Process. It was further discussed that the committee may be constituted after the Assembly Elections in the State.

3.2 Government of Kerala

Government of Kerala elaborated that the High Level Working Group (HLWG) recommended an area of 13,108.7 sq km with 123 villages as Ecologically Sensitive in the state. Earlier, the Government of Kerala, based on physical verification had excluded an area of 3114.30 sq km due to agriculture and settlements which was agreed by this Ministry and the draft Notification was published with an area of 9993.70 sq kms with 123 villages.

Later, Government of Kerala has mentioned that the area under the Draft notification sub-divided ESA into 2 categories – (i) Forest constituting 9107 sq km and (ii) non forest area of 886.7 sq Km and proposed to remove the non forest area of 886.7 sq Km from the draft notified ESA of 9993.70 sq km and requested to consider only 9107 sq km as ESA with 118 villages out of 123 villages originally listed.

In this meeting, it was mentioned that there are some discrepancies observed in the Maps and number of villages and Kerala Government is working on their proposal. Government of Kerala would submit its final version along with the areas and maps shortly for the consideration of the Ministry.

3.3. Government of Tamil Nadu

The state Government of Tamil Nadu mentioned that HLWG has recommended 6914 sq.km area as ecologically sensitive with 135 villages/Reserved Forests (RF)/ Reserved Lands (RL) and cultural landscapes in the state.

It has further mentioned that the recommendations of the High Level Working Group were objected to by Hon'ble Chief Minister of Tamil Nadu as these areas in Tamil Nadu are already regulated under various acts and rules such as TNPPF Act, TNHA (PT) Act, and HACA.

However, subsequent to the GOI draft notification dated 27.02.2017 in supersession of notification dated 04. 09. 2015, the whole issue was examined afresh by the State Government. The boundary of the ESA has been examined with special reference to GIS data base of RF and RL, PAs of Forest Department and GIS layer of boundary of villages.

It was found that only 55 villages and 57 RF/RLs are included in ESA identified by HLWG as some of the names of villages as well as RFs were repeated.

In the process, the Forest Department has identified 6665.47 sq.km of Western Ghats area spread over in 55 villages to be included in ESA comprising of 205 RFs/RLs and 62.33 Sq km of non-forest enclaves. The proposed ESA is spread over part of 15 Revenue Villages and 205 Reserved Forests and Reserved Lands. All 10 Western Ghat districts in the state are now covered instead of 8 districts in the notification. The following RFs/RLs not finding place in the HWLG report and notification have been included /deleted in the state Government's proposal:

- Part of Nilgiris Eastern Slope RF in Erode District, rich in biodiversity included, which improved contiguity
- 11 nos. of RFs/RLs along the common boundary of Theni district and Kerala State in order to provide for existing elephant/tiger corridor
- Saptur RF of Madurai District, part of Grizzled Squirrel Wildlife Sanctuary
- Gandamanur East RF of Theni District, Soolapuram & Elumalai RFs of Madurai District, part of Megamalai Wildlife Sanctuary.
- Sirumalai, included by HLWG has been excluded in this proposal as it is not part of the Western Ghats.

Further, the TN Government has requested to incorporate the following while declaring the ESA:

- I. All the maintenance and ongoing activities of the Public Works Department in the irrigation projects located within the proposed ESA will continue and should not be restricted in anyway.

- II. The existing hydro electric projects in the proposed ESA and its maintenance should not be affected in anyway. Potential Wind Energy projects in the proposed ESA should not be affected
- III. The existing hydro electric projects in the proposed ESA and its maintenance should not be affected in anyway. Potential Wind Energy projects in the proposed ESA should not be affected
- IV. Other restrictions on developmental activities which were mentioned in the report of the High level Working Group but are not finding place in the notification dated 27.2.2017, should not be brought back in any manner and imposed on the proposed ESA
- V. Even though major Hydro Power Projects (>25 MW) are listed in red category industries (both in Central and Tamil Nadu Pollution Control Board lists), new hydro projects may be allowed irrespective of capacity on getting mandatory Environmental and Forest Clearance as there will not be any significant Environmental impact due to these projects
- VI. In case the Red Category units are proposed for expansion, it may be considered subject to the conditions of meeting the pollution control norms
- VII. The existing quarry (66.65 Ha) in Madukkarai Taluk, Maavuthampatti village, Bolampatti-I Reserved Forests in Coimbatore District falling under proposed ESA may be permitted to continue the activities as per current clearance under Forest (Conservation) Act, 1980 instead of phasing it out in five years.
- VIII. Community works related projects like Sewage Treatment Plants, Municipal Solid Waste sanitary landfill sites, Health Care Establishments, Slaughter Houses which are classified as red category as per Central Pollution Control Board norms may be permitted to establish and operate in the ESA with adequate pollution control measures as these are required in public interest.

3.4 Government of Maharashtra

The representative of the Government of Maharashtra mentioned that the High Level Working Group (HLWG) recommended an area of 17,340 sq km with 2159 villages as Ecologically Sensitive and the same was included in the Draft Notification.

In this direction, to finalise the Ecologically Sensitive Area and the list of villages, the State Level Committee under Chairmanship of PCCF (HoFF) was constituted to study the village level proposals, verify the land records,

hold consultative meetings where ever required with the stakeholders and submit final consolidated report to State Government. Based on above, state Government submitted its proposal along with the Map to the Ministry.

Government of Maharashtra has proposed to reduce the ESA area to **15613.23** sq.km and number of villages from 2133 to 2123. In the process it has mentioned that total 1775 villages with an area of 13870.84 sq km from the original list of HLWG would be retained and 348 new villages with an area of 1742.39 sq km proposed to be added and 358 villages with an area of 2318.63 sq km proposed to be deleted.

3.4 Government of Goa: Absent

3.4 Government of Gujarat: Absent

4. Based on discussion the following has emerged:

- I. Government of Kerala would submit its final proposal including list of villages and Maps of the Ecologically Sensitive Areas of the Western Ghats region in the state shortly.
- II. A Committee would be constituted after the Assembly Elections in Karnataka, to look after the apprehensions and concerns of the state Government for developing a coherent approach in declaring the Ecologically Sensitive Area of the Western Ghats region in Karnataka.
- III. Government of Goa and Gujarat (absent in the meeting) may send their views along with the Maps of the Ecologically Sensitive Areas (ESA) for their respective states for publication in the draft notification.
- IV. Government of Tamil Nadu and Maharashtra has intimated to go ahead with the latest proposal along with the Maps submitted to this Ministry.
- V. All state Governments would provide proper justification/reasoning for any deviation from the recommendations of the High Level Working Group (HLWG) supported with the minutes of the meetings held in the process with the stakeholders to finalize the Ecologically Sensitive areas in their respective states.
- VI. Number of states are required to either submit their final recommendation or maps and there is need to develop coherent and consistent approach in the matter. Considering that this may require some more time and exercise may not be completed within the validity period of the draft Notification dated 27.02.2017, it is desirable to republish the Draft Notification. The new draft notification would incorporate the final views of the state Governments.

4. Meeting ended with a vote of thanks to the Chair.

Meeting on ESA of the Western Ghats held on 11th April, 2018

List of Participants

Ministry of Environment, Forest and Climate Change

1. Shri A. K. Mehta, Additional Secretary, Chairperson.
2. Shri Lalit Kapur, Adviser, MoEF&CC
3. Shri Subrata Bose, Director (SC-'F'), MoEF & CC.
4. Shri Pankaj Verma, Joint Director (SC-'D'), MoEF & CC.

Members of Expert Committee

5. Dr. K. Sankar, Director, Sálim Ali Centre for Ornithology and Natural History.
6. Shri Gautam Talukdar, Scientist 'E', WII, Dehradun.
7. P. Lakshmi Narasimhan, Scientist 'E', B.S.I.
8. Dr. K Rajmohana, Scientist 'D', Z.S.I, Kolkata.

Representative of State Governments

9. Shri Vijayakumar, Principal Secretary, Government of Karnataka.
10. Shri P. H. Kurian, ACS (Forest & Environment), Government of Kerala.
11. Shri S. Jane Mithra, Scientist, Government of Kerala.
12. Shri S. D. Dodal, Joint Secretary, Government of Maharashtra.
13. Shri A. Ashraf, PCCF, Government of Maharashtra.
14. Shri Udhayan, CCF (BD), Government of Tamil Nadu.
15. Government of Gujarat-Absent
16. Government of Goa-Absent
