

No.1-20/2014/WL
Government of India
Ministry of Environment, Forests and Climate Change
(Wildlife Division)

Indira Paryavaran Bhawan,
Jorbagh Road,
New Delhi
Dated: 26th September, 2014

OFFICE MEMORANDUM

Sub: Consideration of development projects located within 10 km of National Park and Sanctuaries seeking environmental clearance under EIA Notification, 2006- O.M. issued by IA Division providing clarification-reg.

A copy of O.M. No.J-11013/41/2006-IA-II(I) (part) dated 20th August, 2014 is enclosed for reference and necessary action.

2. The need of recommendation of Standing Committee of NBWL for the projects located outside the limits of National Parks or Wildlife Sanctuaries is not governed by the Wildlife (Protection) Act, 1972.

3. As apparent from the Office Memorandum enclosed, the requirement of clearance for such projects from the Standing Committee of NBWL is part of Environment Clearance (EC) process pursuant to the Supreme Court Order dated 04/12/2006 in WP (c) 460/2004. The process for referring the cases to Standing Committee of NBWL in Ministry of EF&CC has accordingly been elaborated in O.M. dated 20th August, 2014 (enclosed).

4. It is requested that the Office Memorandum enclosed with this clarification may be made available to all the subordinate offices and public so that any proposals of clearance of NBWL for Environment Clearance (EC) cases located in the areas outside National Parks and Sanctuaries are not taken up for processing at the State level. Wherever applicable, the proposals will be referred to Standing Committee of NBWL within the Ministry itself as detailed in para II to IV of the Office Memorandum. Project proponents approaching the Forest Departments in this respect may be advised accordingly.

5. This is for information and necessary action. This communication may be given appropriate publicity.

M.L. Srivastava

(M.L.Srivastava)

Dy. Inspector General of Forests
Tele: 011-2469 5355

Enclosure: Office Memorandum dtd. 20th August, 2014

To

1. The Principal Secretaries
All States/UTs Forests Departments.
2. The Principal Chief Conservator of Forests
and Chief Wildlife Wardens
All States/UTs Forests Departments.

Copy to:

- i) PS to MOS(IC)EF&CC
- ii) PPS to Secy.(EF&CC)
- iii) PPS to DGF&SS
- iv) PPS to JS (AT)
- v) PPS to JS (AS)

F.No. J-11013/41/2006-IA.II(I) (part)

Government of India

Ministry of Environment, Forests & Climate Change

Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road
New Delhi-110 003

Dated 4th September, 2014

Office Memorandum

Subject: Consideration of development projects located within 10km of National Park and Sanctuaries seeking environmental clearance under EIA Notification, 2006-O.M. issued by IA Division providing clarification-reg.

Reference File No. 1-20/2014/WL regarding process related to Environment Clearance cases around protected areas. On this file, Wildlife Division had proposed action to be taken by the Impact Assessment Division.

2. The Impact Assessment Division took action in the matter with the approval of Secretary (EF&CC) and an OM No. J-11013/41/2006-IA.II(I)(Part) dated 20th August, 2014 was issued. It has been decided to keep the file of Wildlife Division as referred above in the Impact Assessment Division and endorse copy of OM to Wildlife Division.

3. Accordingly, the undersigned is directed to enclose herewith a copy of above referred Office Memorandum dated 20th August, 2014 on the subject mentioned above for kind information and further necessary action. A copy of entire file is also enclosed.

Encl: as above.

(Dr. S.C.Garkoti)
Scientist 'F'

Inspector General of Forest(Wildlife)
Ministry of Environment, Forests & Climate Change,
Indira Paryavaran Bhawan,
Ali Ganj, Jor Bargh Road,
New Delhi-110 003

Copy for Information:

JS(AT)

583/DIGL PPO/WL
8/9

8/9/14

1346/2014
8/9/14

1542
8-9-14

F.No. J-11013/41/2006-IA-II(I)(part)
Government of India
Ministry of Environment, Forests and Climate Change
IA Division

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Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi-110 003

Dated the 20th August, 2014

OFFICE MEMORANDUM

Subject: Consideration of development projects located within 10 km of National Park and Sanctuaries seeking environmental clearance under EIA Notification, 2006 - clarification regarding.

This Ministry vide Circular No.L-11011/7/2004-IA.II(I) (Part) dated 27.02.2007 and Office Memorandum(OM) No.J-11013/41/2006-IA.II(I) dated 02.12.2009 clarified procedure for consideration of developmental projects located within 10 km of Protected Areas (PAs), i.e., National Parks and Wild-life Sanctuaries and also involving wild-life habitat, for grant of environmental clearance (EC) under EIA Notification, 2006. The aforesaid Circular / OM were *inter-alia* issued pursuant to Supreme Court Order dated 04.12.2006 in W.P.(C) No.460 of 2004. It is noted that the last line of the aforesaid Circular dated 27.02.2007 states that "... shall be accorded environmental clearance subject to their Project Proponents obtaining clearance under the Wildlife (Protection) Act, 1972; a condition to this effect being stipulated explicitly in the clearance letter". The phrase, "obtaining clearance under the Wildlife (Protection) Act, 1972", in the Circular may be read as "prior clearance from the Standing Committee of the National Board for Wild-life".

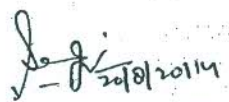
2. Over a period of time, this Ministry has notified a number of Eco Sensitive Zones (ESZs) around PAs. Many of development activities are prohibited / regulated in these ESZs as per the notifications issued for their constitution. It may be noted that, for regulated activities requiring prior ECs within such ESZs prior clearance of the Standing Committee of NBWL will be required in view of aforesaid Supreme Court Order dated 04.12.2006, the only difference being that the distance of 10 km gets substituted by the boundary limits of such ESZs.

3. With a view to facilitating early decision making by the Standing Committee of NBWL in respect of development projects requiring prior WC and located within 10 km of PAs / within the ESZs around PAs, the following procedure has been decided:-

1/2/-

- (i) While prescribing TORs for such projects requiring prior EC, henceforth, additional TORs as per Annexure shall be mandatorily incorporated in the TORs.
- (ii) Copies of TORs issued to such projects shall be endorsed to the Wildlife Division of the Ministry.
- (iii) After examining a proposal for EC, the concerned EAC would make appropriate recommendations and in case it recommends the proposal for EC, it would forward the case along with detailed information obtained from the Project Proponent on issues as brought out in the Annexure, to the Wildlife Division who would get the matter placed before the Standing Committee of NBWL for obtaining their recommendations on the proposal. In the meetings of Standing Committee of NBWL wherein such proposals will be considered, the Standing Committee may invite the Chief Wildlife Warden of the concerned State to give views on the proposal in the meeting.
- (iv) The Wildlife Division may thereafter record the recommendations of the Standing Committee of NBWL on the proposal and return the case to the IA Division for further processing and obtaining approval of the Competent Authority on the issue of grant of EC to the project.

5. This issues with the approval of the competent authority.


(Dr. Satish C. Garkoti)
Director

Enc. Annexure

Copy to:

1. All the officers of IA Division
2. Chairperson/ Member Secretaries of all the SEIAAs/SEACs
3. Chairman of all the Expert Appraisal Committees
4. Chairman, CPCB
5. Chairpersons/ Member Secretaries of all SPCBs/ UTPCCs
6. IGF(WL), MoEF&CC

Copy for information:

1. JS(AT)
2. PS to MOS(Independent Charge)
2. PPS to Secretary (E&F)
3. PPS to AS (SS)
4. Website, MoEF
5. Guard File

sent by Speed Post
21/8/14

Form for providing information for consideration of Standing Committee of NBWL

1. Name and area (ha.) of national park/sanctuary involved
2. Type of forest in which the proposed area falls.
3. Conservation value/critical wildlife habitats in the PA.
4. Prevalent land use categories within 10km distance/ ESZ around the PA.
5. Is any project of similar nature already located within 10km of the PA boundary/ ESZ around the PA? If so, please give the following details separately for each project.

Name of Project

Distance from PA

Size (Capacity/output in appropriate units)

Impact if any on the conservation status of PA perceived

6. Provide your assessment of the likely POSITIVE AND NEGATIVE impact/s of the proposed project giving scientific and technical justification for each impact.
7. Whether the project applicant has ever committed violation of the Wild Life (Protection) Act, 1972 or Forest Conservation Act, 1980 in the past. If yes, provide the details of the offences and the present status of each case.
8. Have you examined the Project Appraisal document and the alternatives as provided in EC application form?

