

## OPEN LETTER TO THE MINISTRY OF ENVIRONMENT AND FORESTS

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WHY IS THE GOVERNMENT CONTINUING TO 'CLEAR' CRITICAL WILDLIFE HABITATS?

**Even as the nation celebrates National Wildlife Week, critical wildlife habitats continue to be 'cleared' for dams, mines, roads, ports, industries and other 'development' projects. Shockingly, this is being done by the Ministry of Environment & Forests (MoEF), the central agency in charge of protecting India's wildlife.**

**Wildlife in India continues to suffer serious threats, with over 5% of species being in danger of extinction, and many threatened species going further into decline. Clearly MoEF and other agencies need to take drastic action to save these species. Yet, and despite claims that it has improved its wildlife conservation performance, the MoEF's record in protecting wildlife from destructive 'development' and commercial pressures has gone from bad to worse.**

**Poor environmental impact assessments and a disregard for citizens inputs are key aspects of this decline. As civil society groups we the undersigned are deeply concerned with this trend, which poses a grave threat to India's wildlife habitats, and simultaneously to the lives and livelihoods of tribal and other communities that depend on such habitats. We demand the urgent steps to be taken to arrest this trend, and to guarantee the security of critical wildlife habitats against destructive development.**

Wildlife habitats and populations continue to be under serious threat from 'development' projects across India. Non-transparent decision-making by the Ministry of Environment and Forests (MoEF) is aiding this process. Some specific issues of concern are given below (please see annexure for details of examples given below):

### **1. Clearing projects despite poor Environmental Impact Assessment (EIA)**

Several kinds of development projects require clearance from the MoEF under environment and forest laws. MoEF is supposed to protect critical wildlife habitats by vetoing or otherwise amending projects, which would entail significant environmental losses. However, *in several instances, such clearances have been granted despite extremely poor environment impact assessment, including blatantly plagiarized studies.* Most of these are particularly weak on wildlife and biodiversity aspects. In situations where additional environment and wildlife impact studies have been asked for, they are either 'rapid' assessments which are inadequate to aid decision-making, or are detailed studies to be conducted **after** the clearance has already been granted! There is little logic in first 'clearing' the destruction of wildlife habitats and then doing a detailed assessment as a formality after project work and environmental destruction has commenced. An EIA is primarily a decision making and planning tool, but it has been reduced to a procedural formality to clear projects and hence cannot be utilized to its optimum for safeguarding the environment.

Eg. environmental clearances granted to:

- Lower Subansiri hydroelectric project (Assam – Arunachal Pradesh) impacting the Tale Valley sanctuary and adjacent wildlife habitats, home to species such as the clouded leopard, elephant, golden mahseer and river dolphin.
- Barh Thermal Power Plant (Bihar) impacting the Taal wetlands, which are extremely rich in avifauna.

- Human irrigation project (Maharashtra) impacting critical tiger corridors bordering the Tadoba-Andhari Tiger Reserve.

## 2. Allowing destructive development projects inside protected areas

In the past few years, several destructive development projects have been allowed inside or immediately bordering protected areas (**sanctuaries, national parks, tiger reserves, elephant reserves etc.**) by the MoEF.

Eg.

- Permission for oil prospecting in the Desert National Park (Rajasthan)
- Clearances to several iron ore mining projects in the Sarai Kela Kharsawa Elephant Reserve (Jharkhand) seriously impacting the elephant habitat.
- Permission for mining in the Valmiki Tiger Reserve (Bihar)
- Clearance for uranium exploration bordering the Nagarjunsagar Srisaigram Tiger Reserve (Andhra Pradesh)

## 3. Ignoring citizens' inputs

In several instances, peoples' groups, wildlife and social NGOs, have made submissions to the MoEF about the serious impacts of specific projects on wildlife habitats as well as the livelihoods of local communities, *yet clearances have been granted completely ignoring these inputs.*

Eg.

- Bodhghat hydel project (Chhattisgarh) impacting critical wild buffalo habitat and resisted by local villagers for years.
- Parbati Stage – II hydel project (Himachal Pradesh) impacting the Great Himalayan National Park.

## 4. Weakening the National Board for Wildlife (NBWL) and Expert Committees for environmental clearance

In 2003 the Indian Board for Wildlife (IBWL), set up in 1952 as the national advisory body on wildlife matters, was converted into the National Board for Wildlife (NBWL) under the amended Wildlife (Protection) Act, 1972. It seems more than just a co-incidence that all the members who had opposed the clearance of destructive development projects (for example the Lower Subansiri hydel project) were dropped while reconstituting the body. Those dropped include India's oldest wildlife NGO, the Bombay Natural History Society.

Simultaneously, the Expert Committees assisting the MoEF in evaluating projects for environmental clearance, have shown little or no sensitivity to protecting wildlife habitats. **Not a single national NGO working on wildlife is on these Expert Committees.**

Eg.

- The MoEF Expert Committee on River Valley projects recommended the Lower Subansiri hydel project for environmental clearance, just three weeks after a meeting of the then IBWL had decided that fresh biodiversity impact studies were required as the existing studies were grossly inadequate. The same River Valley Committee readily recommended the clearance of the Human dam although it will have serious impacts on a tiger corridor bordering Tadoba-Andhari Tiger Reserve, Maharashtra.

## 5. 'Compensating' wildlife losses

Increasingly, MoEF is clearing projects destroying critical wildlife habitats based on poor assessments, and then claiming to compensate the losses by requiring the relevant state government to declare a protected area (sanctuary or national park) somewhere else. Often both the land used for the

project as well as the new land to be declared a protected area is critical for supporting the livelihoods of local communities who end up getting doubly deprived. Compensatory mechanisms cannot be a substitute for sound decision making based on comprehensive environmental and social impact assessment. Due to the cleared projects already having negative environmental and livelihood impacts on local communities, alienation of additional lands to declare them protected areas, only antagonises them further and is counterproductive to wildlife conservation in the long run. This practice is unacceptable.

#### **6. Dilution of notifications under the Environment Protection Act (EPA)**

Repeated dilutions of notifications under the EPA, such as the **Environment Impact Assessment (EIA)** notification and the **Coastal Regulation Zone (CRZ)** have made wildlife habitats and sensitive ecosystems more vulnerable to development pressures.

Eg.

- A few of the dilutions of the EIA notification, 1994, making sensitive habitats vulnerable include: no EIA report required for pipeline projects; a substantial increase in the investment limit of projects requiring environmental clearance; no public hearings required for mining projects (major minerals) with lease area upto 25 hectares, although Indian Bureau of Mines data indicates that almost 50% of leases for major minerals are less than 25 ha!
- The CRZ notification, 1991, was amended in 1997 to delegate powers to the Ministry of Surface Transport (MoST) to grant environmental clearance to port projects. In 2000 the MoST promptly cleared the Dhamra port just north of Gahirmatha Marine Sanctuary (Orissa), one of the most important nesting sites of the endangered olive ridley turtle in the world. The decision was based on a poor environmental impact assessment, and the proposed port will be a major threat to the future of the endangered turtles. While the MoEF has subsequently withdrawn the delegation of powers to the MoST for environmental clearance of such ports, undermining the CRZ notification on various other counts continues.

**Keeping the above scenario in mind, we demand that the Government takes the following urgent steps:**

- 1) Draw up a list of critical wildlife and biodiversity habitats in India, that are not open to large-scale development projects.
- 2) Make public the precise reasons and justification when it is considering granting environmental and forest clearance to a project, *before* such clearance is granted, and ask for public response to such proposals. Evolve appropriate mechanisms to inform citizens on what action has been taken on submissions made by them during the clearance process.
- 3) Make public the minutes of meetings of the Expert Committees and the National Board for Wildlife deciding on clearances of development projects. This should be done for all future projects, as well as projects cleared in the last 10 years, to enable public scrutiny of the basis of recent clearances.
- 4) Make public the status of compliance of conditions of environment and forest clearance by all projects being monitored by the MoEF. This is critical since earlier exposes have indicated that most projects are *not* complying with the conditions under which they were granted clearance. Despite this, the MoEF has taken very little punitive action and is even granting fresh clearances often to the same project proponents. A glaring example is the National Hydroelectric Power Corporation (NHPC), which has been guilty of flouting clearance conditions on several projects (for example Teesta Stage-V hydel project in Sikkim), yet continues to be granted clearances for new projects.

- 5) Provide a legally mandated and explicit role for citizens in the decision-making process within MoEF. This can be done by including independent and credible representatives of communities and civil society including gram sabhas/tribal councils in the various expert committees; ensuring that citizens' inputs in draft notifications and legislation are considered through a transparent process; strengthening the public hearing process for 'development' projects; constituting an independent monitoring and evaluation agency to assess compliance of environmental conditions and regulations; and by adopting other such measures.
- 6) Have the MoEF commission environmental impact assessments (EIAs) using an independent fund set up for the purpose through contributions from project authorities. An independent mechanism to assess the quality of such EIAs, including through public inputs, needs to be simultaneously setup. This is essential because at present project proponents themselves commission agencies to carry out the EIA. It is consequently very rare for such agencies to be objective and unbiased, as they seek to please their employer for ensuring similar contracts in the future. Similarly no mechanism is currently available to independently review the quality of the EIAs.



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Annexure:

## **A FEW EXAMPLES OF CLEARANCES OF PROJECTS BASED ON A POOR IMPACT ASSESSMENT PROCESS WHICH ARE AFFECTING WILDLIFE HABITATS**

- **Lower Subansiri hydel project (Assam and Arunachal Pradesh)**

This 2000 MW hydel project will have a huge impact on wildlife: submergence of almost 4000 ha of biodiversity rich forests in the Eastern Himalayas including a portion of the Tale Valley sanctuary; an important elephant corridor will be obstructed by project site; rich fish diversity of the Subansiri river including the golden mahseer will be impacted; downstream impact on ecology of wetlands (*beels*) and habitat of the river dolphin.

The environmental impact assessment studies done for the project have been extremely poor, particularly on wildlife and biodiversity aspects. This had also been clearly pointed out by an expert committee of the then Indian Board for Wildlife. Several wildlife and social organisations have raised serious concerns about the project with the MoEF. There have also been violations of environment and forest laws by the project authorities. In spite of all this, the project was granted environment clearance in July 2003.

- **Uranium exploration on the border of Nagarjunasagar Srisailem Tiger Reserve (Andhra Pradesh)**

The EIA was found to be of a very poor quality. Despite a report from the Bombay Natural History Society (BNHS) raising serious concerns about the project's impacts on the forest, wildlife movement and the possible radioactive pollution of the Nagarjunasagar reservoir, as well as the quality of the EIA, the uranium exploration was cleared by the NBWL and the MoEF. Subsequently, the Andhra Pradesh Pollution Control Board has objected to the proposed uranium prospecting.

- **Coalmining and allied activities in the North Karanpura valley, Jharkhand**

This valley forms a vital elephant corridor connecting the forests of Palamau to the Konar forests and is threatened by coalmining and allied activities. The expansion of the Ashoka coalmine in the valley was cleared in spite of its impact on the elephant corridor. Other projects undergoing clearance procedures in the same valley include new coal mines, thermal power projects and dams, destined to completely destroy this habitat.

- **Bodhghat hydel project, Chhatisgarh**

This project which will result in a huge impact on wildlife habitat and displacement of tribals, was given first stage forest clearance in early 2004, in spite of impact assessment studies clearing indicating that the ecological and social impacts far outweigh the economic benefits. Impact areas include critical wild buffalo habitat in the Bhairamgarh sanctuary downstream.

- **Mining in the Valmiki Tiger Reserve, Bihar**

In 2002 the MoEF allowed mining inside the Valmiki Tiger Reserve, which was subsequently challenged in the Supreme Court by the State of Bihar.

- **Oil pipelines and allied activities in the Marine National Park, Gulf of Kutch, Gujarat**

Oil pipelines and allied activities have been allowed in and around the National Park, compromising the integrity of this sensitive area.

- **Human irrigation project, Maharashtra**

This project, which was approved in 2004, will drown 2,900 ha. of forest land in a known tiger corridor between the Tadoba Andhari Tiger Reserve (TATR) and the adjoining forests of the Brahmapuri division. The reservoir would be only four kilometers from the tiger reserve boundary, submerging wildlife-rich territorial forests of the Chandrapur division which are contiguous with the tiger reserve and have in fact been proposed for inclusion into the TATR.

- **Oil prospecting in the Desert National Park, Rajasthan**

In December 2003, the newly constituted NBWL, under pressure from the MoEF, granted permission to ONGC to explore for oil in the Desert National Park, the last stronghold of the Great Indian Bustard, as well as other endangered species.

- **Barh Thermal Power Plant, Bihar**

The 3 x 660 MW Barh Super Thermal Power Project was cleared by the MoEF in 2001. This project is coming up in the Taal wetlands, an area that ornithologists from the BNHS have confirmed is extremely rich in avifauna, with 149 species of migratory and resident water birds listed. It is also an extremely important bird breeding site. The area is close to Kanwar Lake Bird Sanctuary, an Important Bird Area (IBA). The MoEF hurriedly pushed the project through, without heeding the advice of the BNHS and several Members of its own Expert Committee for Thermal Power Projects, who recommended that a bio-habitat analysis be first conducted as the existing EIA was inadequate.

- **Allain Duhangan hydel project in Himachal Pradesh**

This project was cleared in December 2000 by the MoEF in spite of an extremely poor impact assessment done in 1993. Subsequent studies commissioned by the project financier (IFC) clearly indicate that the project is likely to affect wildlife corridors, including some rare species.

- **Utkal Alumina International Limited (UAIL) bauxite mine, Baphlimali hill, Orissa**

This project has received clearances based on poor environmental and biodiversity impact assessment studies and ignoring overwhelming protests from local tribal communities.

- **Athirapally hydel project, Kerala**

The 163 MW Athirapally hydel project was given clearance by MoEF in 1998 based on a very poor environmental assessment which stated that impact on wildlife was minimal. The area is a sensitive habitat in the Western Ghats, forming an elephant corridor between the Parambikulam sanctuary and the Pooyamkutty forests.

Additionally, the mandatory requirement of an environmental public hearing was not complied with by the project authorities prior to environmental clearance. After a legal intervention by the Chalakudy Puzha Samrakshana Samithi (Chalakudy River Protection Council), the Kerala High Court asked the project authorities and MoEF to ensure that certain procedural aspects are followed before grant of clearance.

- **Iron ore mining in the Kudremukh National Park**

The MoEF kept granting temporary working permissions to the Kudremukh Iron and Ore Company Limited (KIOCL) for iron ore mining inside this sensitive habitat in the Western Ghats, even though the mining lease had expired. A Supreme Court directive based on an intervention by Wildlife First and others has finally asked for stoppage of mining by the end

of 2005. The Supreme Court in its order was critical of the inconsistency of the Central and State Government in this matter.

- **The Subernarekha Multipurpose project, Jharkhand**

The construction work on this project was allowed to be completed with gross violations of the Forest (Conservation) Act, 1980 and Supreme Court orders on forest and wildlife issues. The project impacts the Dalma Wildlife Sanctuary and important elephant corridors.

- **Mining and allied activities in the Sarai Kela Kharsawa Elephant Reserve, Jharkhand**

Iron ore mining and allied activities have been indiscriminately sanctioned inside the Sarai Kela Kharsawa Elephant Reserve in Jharkhand spread over an area of 4529 sq km.

- **Super speciality heart hospital inside Rajaji National Park, Uttaranchal**

The MoEF was a mute spectator to the Government of Uttaranchal's proposal to construct a super speciality heart hospital inside the Rajaji National Park. The State government's reason was that the construction of the hospital would be in the interest of elephants! This proposal was only struck down because of a Supreme Court intervention.

- **Parbati Stage-II hydel project, Himachal Pradesh**

The Parbati hydroelectric project which will submerge a sensitive portion of the Great Himalayan National Park was cleared inspite of repeated concerns being raised by conservationists about its serious impacts.

- **Dhamra port, Orissa**

The CRZ notification, 1991, was amended in 1997 to delegate powers to the Ministry of Surface Transport (MoST) to grant environmental clearance to port projects. In 2000 the MoST promptly cleared the Dhamra port just north of Gahirmatha in the Bhitarkanika Wildlife Sanctuary (Orissa), one of the most important nesting sites of the endangered olive ridley turtle in the world. The decision was based on a poor environmental impact assessment and the proposed port will be a major threat to the future of the endangered turtles. The MoEF has subsequently withdrawn the delegation of powers to the MoST for environmental clearance of such ports. But this is a good example of how the rapid amendments made to notifications like the CRZ in recent times (mostly to weaken it) have been used to compromise wildlife interests.