

F. No. 6-30/2019-WL

Government of India

Ministry of Environment, Forest and Climate Change
(Wildlife Division)

2nd Floor, Vayu Wing,
Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi 110003.

Dated: 13th December, 2023

To

1. The Principal Secretary (Forests)

All States/UTs

2. The Chief Wild Life warden

All States/UTs

3. The PCCF, All States/UTs

Sub: Revised guidelines for seeking recommendations of the Standing Committee of National Board for Wild Life for activities in protected areas - reg.

Sir/Madam,

In supersession of the guidelines issued vide this Ministry's earlier letter of even number dated 21.07.2022, the undersigned has been directed to enclose herewith **revised guidelines** regarding submission of proposals for consideration of the Standing Committee of the National Board for Wild Life for ready reference.

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

Yours faithfully,

SUDHEER

CHINTALAPATI

Digitally signed by SUDHEER

CHINTALAPATI

Date: 2023.12.13 12:40:35 +05'30'

(Dr. Sudheer Chintalapati)

Scientist 'E'

Email: adwl-mefcc@gov.in

Copy to:

1. PPS to DFG&SS, MoEF&CC
2. PPS to ADG(WL), MoEF&CC
3. PPS to IGF(WL)/IGF(PE)/IGF(NTCA), MoEF&CC
4. PS to DIG(WL)/DIG(FC), MoEF&CC
5. Guard File

**GUIDELINES REGARDING SUBMISSION OF PROPOSALS FOR
CONSIDERATION OF THE STANDING COMMITTEE OF THE
NATIONAL BOARD FOR WILDLIFE**

Areas of ecological, faunal, floral, geomorphological, natural or zoological significance and reserve forests are notified as sanctuaries and National Parks for the purpose of protecting, propagating or developing wildlife or its environment by the State/Union Territories. Such areas are extremely important for conservation of biodiversity and ensuring the survival of its floral and faunal components. significant in terms from national point of view. Further, Eco-sensitive zones around sanctuaries and National Parks are notified to act as buffers and reduce direct impacts of developmental activities on these protected areas.

Activities involving use or diversion any part such areas should therefore be permitted only after taking into account the likely impact of the activity on the protected area.

As per the provisions contained section 5A of the Wild Life (Protection) Act, 1972 (WLPA), the Central Government constituted the National Board for Wild Life (NBWL). In accordance with the section 5B of the Act, the NBWL constitutes its Standing Committee which exercises the powers delegated by the NBWL. The Standing Committee of the National Board for Wild Life (SCNBWL) considers the proposals for developmental activities inside wildlife habitats and eco-sensitive zones under these delegated powers and orders of the Hon'ble Supreme Court of India.

Ministry has issued several clarifications/guidelines from time to time for submission of proposals for consideration of the

NBWL/ Standing Committee of the National Board for Wild Life (SCNBWL). The Wild Life (Protection) Amendment Act, 2022 has come into force from 1st of April, 2023. These guidelines are being issued in supersession of the earlier guidelines.

1 ACTIVITIES INSIDE PROTECTED AREAS

Consideration and recommendations/approval of the NBWL / SCNBWL is required in following cases:

1.1 SANCTUARIES

Section 29 of the WLPA mandates consultation with the NBWL for undertaking any activity mentioned therein within areas notified as sanctuaries and those areas in respect of which the State Government has declared its intention by notification for constitution of such areas as sanctuaries due to coming into effect of provisions of section 29 of the WLPA as per section 18A (1) of the WLPA.

1.2 NATIONAL PARKS

Section 35(6) of WLPA mandates consultation with the NBWL for undertaking any activity mentioned therein within areas notified as National Parks. Further, consultation with NBWL is mandatory for undertaking any activity mentioned in section 29 of the Act within those areas in respect of which the State Government has declared its intention by notification for constitution of such areas as National Parks due to coming into effect of the provisions of section 29 of the WLPA as per section 35 (3A) of the WLPA.

1.3 OTHER PROVISIONS:

Section 33 (a) of the WLPA provides for requirement of prior approval of the NBWL for construction of tourist lodges, including Government lodges, for commercial purposes, hotels, zoos which includes rescue centres and conservation breeding centres and safari parks inside a sanctuary. This proviso is also applicable on National Parks in accordance with Section 35 (8) of WLPA and in respect of those areas intended to be notified as sanctuaries or National Parks in view of provisions contained in sections 18A (1) and 35 (3A) of the WLPA.

1.4 ACTIVITIES WITHIN TIGER RESERVES AND LINKING AREAS:

The Protected Areas constituting a Tiger Reserve attract all the provisions applicable for National Parks or Sanctuaries. In addition, as per section 38-O (1) (g) of the WLPA, for approval of NBWL and advice by the National Tiger Conservation Authority (NTCA) are required for activities within tiger reserve and in areas linking one Protected Area or tiger reserve with another Protected Area or tiger reserve for ecologically unsustainable uses, except in public interest.

1.5 ALTERATION OF BOUNDARIES:

In view of sections 26A (3), 35 (3) and 35 (5) of the WLPA, no alteration of the boundaries by the State Government of a sanctuary, National Park or area in respect of which the State Government has declared its intention by notification for constitution as a National Park shall be made except on a recommendation of the NBWL/SCNBWL. Further, in view of section 38W of the Act, no alteration in the boundaries of a tiger reserve can be made except on a recommendation of the NTCA and the approval of the NBWL/SCNBWL.

1.6 ACTIVITIES INSIDE ECO-SENSITIVE ZONES:

Notifications of Eco-Sensitive Zones (ESZ) specify the activities which are prohibited, regulated and promoted in the ESZ. Proposals for prohibited activities in the ESZ notification and the guidelines regarding declaration of ESZ issued by the Ministry dated 9.2.2011 (in view of order of Hon'ble Supreme Court dated 28.04.2023 in W.P. (C) No. 202 of 1995) should not be forwarded for consideration of the SCNBWL. For taking up any activity within an ESZ, if notified, or within 10 km zone of the boundary of National Parks or sanctuaries, if ESZ has not been notified, prior approval of the SCNBWL shall be required:

- i. for construction and allied activities undertaken by and for Indian Railways and any of its subsidiaries/sister concerns; or
- ii. if the activity/project is listed in the schedule of the Environment Impact Assessment Notification, 2006 as amended from time to time.

1.7 ACTIVITIES REFERRED BY OTHER AGENCIES:

There may be cases where chairperson of NBWL/SCNBWL or Hon'ble Supreme Court of India or any other statutory agency may desire examination of a proposal by the NBWL/SCNBWL. Such cases may be submitted by the State Government /UT Administration for consideration of NBWL/SCNBWL along with the recommendations of the SBWL.

2 PROCEDURE TO BE FOLLOWED FOR CONSIDERATION OF PROPOSALS BY THE STANDING COMMITTEE OF NATIONAL BOARD FOR WILDLIFE:

- i. The User Agency shall submit the proposal online on PARIVESH portal of the Ministry mandatorily as communicated vide Ministry's letter F.No.6-137/2017 WL (pt.1) dated 22.11.2018 (**ANNEXURE I**). A User Manual of online submission and monitoring of Environmental, Forests and Wild Life Clearance at <https://parivesh.nic.in>. No proposal submitted for consideration of the NBWL/SCNBWL in physical form shall be entertained by the Ministry.
- ii. The user agency can also track the movement of the proposal through different stages of processing through the online clearance system.
- iii. The roles of various agencies involved in the process and actions required to be taken are provided in the manual. In case of difficulty, the details of concerned to be contacted have also been provided.

3. TIME LINES TO BE FOLLOWED BY VARIOUS AGENCIES INVOLVED IN PROCESSING THE PROPOSALS

Following time lines will be adhered by all the officials responsible for the activities indicated.

DFO/Wild Life Warden	<ul style="list-style-type: none"> i. Initial scrutiny in 5 days of receipt of the proposal. ii. 15 days after receipt of complete proposal for site inspection, consultation with Conservator of Forests/Chief Conservator of Forests/
-----------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		Additional Principal Chief Conservator of Forests and forwarding to the Chief Wild Life Warden.
2	Chief Wild Life Warden	15 days from receipt of proposal for scrutiny and recommendation to the State Government for placing before the State Board for Wild Life (SBWL).
3	Consultation with State Board for Wild Life or Standing Committee of the State Board for Wild Life and recommendation of State Government	The activity involves decision of the State Government, consultation with SBWL and thereafter, recommendation of State Government to Ministry of Environment, Forest and Climate Change enclosing the copy of the minutes of the SBWL or its Standing Committee as the case may be. Therefore, this stage may take up to 45 days (one and half months) .
4	Ministry of Environment, Forest and Climate Change	Initial scrutiny in 10 days of receipt of the proposal.
5	Consultation with Standing Committee of National Board for Wild Life	In the upcoming Meetings of Standing Committee of National Board for Wild Life which are ordinarily convened once in 3 months .

4. ACTIVITIES INSIDE CONSERVATION RESERVES OR COMMUNITY RESERVES

In continuation of the discussions in the 53rd meeting of the SCNBWL dated 25.02.2019, Ministry vide letter F.No.6-30/2019 WL (part) dated 30.01.2023 (**ANNEXURE II**) had clarified that projects/activities proposed to be located within Conservation Reserves or Community Reserves notified under the WLPA do not require consideration by the SCNBWL. In case, these protected areas form part of ESZs, guidelines in para 1.6 shall be applicable.

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

State Governments/Union Territory Administrations may consider prescribing rules under section 28 of the WLPA regarding safeguards to be followed while entering a notified sanctuary for survey/ investigation. In view of section 35 (3A) and 35(8) the Act, the provisions of section 28 apply in relation to a National Park as they apply in relation to a sanctuary. Ministry issued clarification in this regard vide letter F. No. 6-41/2021-WL dated 28.03.2022 (**ANNEXURE III**).

It may be noted that when invasive activities (such as destruction, exploitation, removal etc. from sanctuary or National Park) are involved, the permit for survey and/or investigation can be issued only after consideration by the SCNBWL. In case survey work and/or Environment Impact Assessment (EIA) studies are to be taken up in areas involving a Protected Area, and are covered under section 29 or 35(6) of WLPA, then also the entire procedure, as prescribed paragraph 2 above needs to be followed.

6. MANDATORY SUBMISSION OF ANIMAL PASSAGE PLANS

A guidance documents namely, 'Eco-friendly Measures to Mitigate Impacts of Linear Infrastructure on Wild Life' has been prepared by the Ministry. The Guidance document prescribes measures, both structural and non-structural to be adopted while designing linear infrastructure projects through wildlife habitats. In pursuance of the decision taken in the 47th meeting of the SCNBWL held on 25.01.2018, whenever, a linear infrastructure project is planned through a wildlife habitat, an animal passage plan shall be prepared by the User Agency in consultation with the Chief Wild Life Warden for submission along with the project proposal communicated to the States vide Ministry's letter F. No. 6-4/2018 dated 13.07.2018 (**ANNEXURE IV**).

7. PROPOSALS FOR TRANSMISSION LINES

- i. In pursuance of the decision taken by the SCNBWL in its 54th meeting held on 18.07.2019, the use of insulated transmission line cables over the ground / or underground transmission line cables passing through the protected areas should be the first priority of the user agencies as communicated vide Ministry's letter F. No. 6-104/2019 WL dated 29.08.2019 (**ANNEXURE V**).
- ii. As decided by the SCNBWL in its 66th meeting held on 31.12.2021, all the proposals for transmission lines shall be accompanied with a management plan for the area below the transmission lines. The management plan shall prescribe for species to be planted and maintained below the transmission lines, type and periodicity of maintenance etc.

Ministry had issued advisory to the States in this regard vide letter F. No.6-141/2021 dated 15.03.2022 (**ANNEXURE VI**).

8. COST OF MITIGATION MEASURES:

As decided by the SCNBWL in its 65th meeting held on 24.09.2021, measures to mitigate impacts of projects in protected areas and ESZs should be part of project proposals. Instead of imposing a fixed cost, mitigation measures and costs associated with such measures will be prescribed while recommending project proposals. Ministry issued advisory to the States in this regard vide letter F. No.6-82/2021WL dated 25.11.2021 (**ANNEXURE VII**).

9. BIO-DIVERSITY IMPACT ASSESSMENT REPORT

As decided in the 8th meeting of the SCNBWL held on 14.09.2006, proposals for use of area more than 50 ha within a sanctuary or National Park shall be accompanied with a bio-diversity impact assessment study report prepared by an agency accredited by the Government of India.

10. MINING PROPOSALS:

In view of the order of Hon'ble Supreme Court of India dated 26.04.2023 and 28.04.2023 in W.P. (C) no. 202 of 1995, mining within National Parks and sanctuaries and their notified ESZ and/or within an area of one kilometre from the boundary of such National Parks and sanctuaries whichever is more shall not be permissible.

11. USE OF INNOVATIVE TECHNOLOGY IN MITIGATION OF IMPACTS:

State/UT Governments shall endeavour to encourage user agencies to use innovative technologies and modern scientific tools while prescribing mitigation measures and monitoring the impact of developmental activities on wildlife habitats.

12. DELEGATION OF POWERS TO THE STATE BOARD FOR WILD LIFE

In pursuance of the decision of the SCNBWL in its 71st meeting held on 29.12.2022 to extend delegation of powers to SBWL, permits for underground laying of drinking water pipeline, optical fibre cables and power lines up to 11 kV within the allowed right of way of roads inside National Parks, Wildlife Sanctuaries and Tiger Reserves notified under the Wild Life (Protection) Act, 1972 may be granted by the Chief Wild Life Warden after recommendations of State Boards for Wild Life and approval of State/UT Governments without these proposals being referred for consideration of the SCNBWL subject to the following conditions:

- i. The size of the trench will not exceed more than 2.0 m depth and 1.0 m width;
- ii. The user agency agrees to make good the land after use/maintenance;
- iii. The user agency agrees to make good any loss to forest/environment;
- iv. The user agency seeks permission from the State Forest Department for carrying out any maintenance;
- v. The diameter of drinking water pipeline shall commensurate with the width of the trench mentioned above;

- vi. No civil structures will be built with the underground laying of drinking water pipeline, power lines and optical fibre cables;
- vii. The user agency will have to submit NOC from the agency which holds the right to use the right of way;
- viii. The State Government / Union Territories shall ensure that the length of the length of trench dug at a time does not exceed 500 m, filled up and compacted before digging next stretch of 500 m;
- ix. The State Board for Wild Life shall also suggest the time frame for completing the work of underground laying of drinking water pipeline, power lines and optical fibre cables within the PAs after taking into account all the factors/issues involve in the work;
- x. The user agency shall provide water supply points within the PAs if demanded by the Chief Wild Life Warden or in-charge of PA but not more than per sq.km;
- xi. This delegation shall be valid till 31.12.2027;
- xii. The State Government / Union Territories will submit a monthly progress report on the extent of the forestland diverted for such purposes to the Ministry as well as the concerned Regional Offices.

This was communicated vide Ministry's Letter F. No. 6-175/2017 WL (pt.) dated 07.02.2023 (**ANNEXURE VIII**).

1.3. SUBMISSION OF HOLISTIC LINEAR PROJECT PROPOSALS

As decided by the SCNBWL in its 71st meeting held on 29.12.2022 and as communicated vide Ministry's letter F.No.6-207/2022 WL dated 14.03.2023 (**ANNEXURE IX**), all State/UTs are required to

submit proposals for linear projects in a holistic manner and not in separate packages.

14. ECO-TOURISM PROPOSALS

The SCNBWL in its 63rd meeting held on 11.06.2021 had recommended 'Guidelines for Sustainable Eco-tourism in Forest and Wildlife Areas, 2021'. These guidelines were communicated to the States vide this Ministry's letter F. No. 1-57/2014 WL (part -8) dated 29.10.2021 (**ANNEXURE X**). The proposals for eco-tourism projects shall be designed in accordance with these guidelines.
