

CEPF FINAL PROJECT COMPLETION REPORT

Organization Legal Name:	Environics Trust
Project Title:	Empowering Local Communities and Civil Society Organization's in Using Environmental Impact Assessment Process as a Conservation Tool in the Western Ghats
Date of Report:	30 th October, 2013
Report Author and Contact Information	Ritwick Dutta

CEPF Region: Western Ghats

Strategic Direction: Strategic Direction 1. Enable action by diverse communities and partnerships to ensure conservation of key biodiversity areas and enhance connectivity in the corridors

Grant Amount: (US \$): 90620.00

Project Dates: 2009 / 10 / 1 to 2013 / 5 / 31

Implementation Partners for this Project (please explain the level of involvement for each partner):

Mines Minerals and Peoples: Active involvement in training programs and EIA critiques

Nisharg : Active involvement in training programs

River Research Centre: River, dams and sand mining related issues

Environmental Law Alliance Worldwide for EIA critiques:

Conservation Impacts

Please explain/describe how your project has contributed to the implementation of the CEPF ecosystem profile.

The work of *Environics* Trust through the EIA Response Centre has led to issues with respect to Environment Impact Assessment (EIA), forest clearance and other environmental governance issues becoming prominent in the region. The protection of wildlife corridors, forest and biodiversity rich areas, wetlands and

other ecological entity is possible only with the effective implementation of environmental law and regulations. This in turn depends on active citizen engagement and participation in the environmental decision making process. Specifically, the project has contributed to the effective implementation of the CEPF ecosystem profile in the following manner:

- Enhanced community participation in environmental decision making through community action, representation before appropriate authorities and participation in public hearings.
- Systematic tracking of new industrial and other projects such as mining, dams, roads, power lines etc and critiquing the EIA and other related documents.
- Creation of a data base of EIA reports, compliance reports, public hearing minutes so as to ensure effective access to information as well as compliance with existing laws
- Creation of new guidelines and policy decisions in favor of protection of the biodiversity hotspot.

Please summarize the overall results/impact of your project.

The work in the region with an exclusive focus on EIA and Forest Clearance issues has led to the mainstreaming of environmental governance issues. Civil society groups, individuals are now better equipped to participate effectively in the environmental decision making process on the one hand and in enforcement of environmental regulations on the other. Many CSO's in the region are now actively aware of the issues with respect to the various stages of EIA such as screening, scoping, appraisal and monitoring of projects in the region. ERC is playing a role of a specialized watch group in the region

Planned Long-term Impacts - 3+ years (as stated in the approved proposal):

Significant reduction in threats to the Western Ghats Ecosystem due to the impacts of development projects (such as, mining, industrial, hydro-electric dams, etc.) that have been approved based on faulty and improper Environment Impact Assessment, reports and processes. Reduced impact of mega projects, due to fuller understanding of impacts, through promotion of cumulative impact assessments. Enhanced legal protection to key biodiversity and critical linkages within the northern Western Ghats provinces of Maharashtra, Goa and Karnataka. Improved environmental appraisal and clearance processes at the national level, through generation of precedent and documentation of case studies within the Western Ghats.

Actual Progress Toward Long-term Impacts at Completion:

The issues with respect to Environment Impact Assessment and Forest Clearance have been mainstreamed in the region as a result of the work of ERC as well as other concerned groups in the region who have collectively worked to bring about policy changes. EIA and forest clearance related issues was a neglected issue with much of the focus on protection of individual species and protection of specific habitats as National Environment Park and Sanctuaries. The environmental governance framework which includes specific duties and obligations of the government as well as people were largely ignored. No Cumulative Impact Assessment were carried out and most EIAs were based on 'copy and paste' method. Public participation in environmental decision making was largely unknown and most affected communities had no information of the public hearing as well as the processes involved. The intensive and targeted capacity building program of ERC focusing on NGOs, communities, media persons and other interested groups has led to increased awareness about the forest clearance and EIA process. No public hearing today in the Western Ghats Region takes place without active involvement of ERC staff or its partner organization. The EIA reports are now comprehensively critiqued by ERC as well as panel of experts and submitted for further action to local communities, NGOs and groups, the Ministry of Environment and Forest as well as State Level Authorities are increasingly relying on the critiques submitted by ERC while taking policy level decision. One of the most significant policy level interventions of ERC has been the special focus which EIA related issues were given by the Western Ghats ecology experts group headed by Professor Madhav Gadgil. ERC was given the specific task of preparing a blue print for EIA reforms in the context of Western Ghats. Despite the fact that the Ministry of Environment and Forest has not accepted the report of WGEEP, the local groups with technical and scientific advice from ERC have approached the National Green Tribunal for implementation of the WGEEP report. The National Green Tribunal in its interim order has directed the concerned state governments to ensure that no project are approved in areas categorized as Ecologically Sensitive Zone 1 (ESZ-1).

In short the following was the actual progress in terms of long terms goals:

1. Enhanced public participation and vigil with respect to New Developmental Projects such as mining, industrial and hydroelectric dams in the region. This has led to moratorium on fresh approvals in the region for projects which have large ecological footprint.
2. Cumulative Impact Assessment has been made mandatory through judicial intervention and creative interpretation of existing laws. For the first time cumulative impact assessment were done for mining projects in Sindhudurg, Maharashtra.
3. Significant projects with potential for ecological damage in the Western Ghats have been rejected on merits by concern agencies based on citizen involvement in the EIA process.

4. The review of the appraisal carried out by statutory authorities reveal that for the first time the concerned authorities are considering the implication of locating polluting industries in the Western Ghats. Area such as Ratnagiri – Sindhudurg, Goa, are been treated as no go zones for setting up new industries.
5. Areas that were deforested have been directed to be to be restored with respect to Goa based on citizens approaching and getting favourable orders from the National Green Tribunal. This is the first instance of restoration of ecology and is bound to be a precedent for the future.

Planned Short-term Impacts - 1 to 3 years (as stated in the approved proposal):

Greater awareness about the Environment Impact Assessment process among local communities and Civil Society Organizations to enable effective participation in environmental clearance processes for specific cases where biodiversity values and ecosystem services are compromised by proposed development projects. The value of 'Citizens Environment Impact Assessment' demonstrated as a practical tool for challenging currently planned destructive projects by regular critique of improper Environment Impact Assessment report on Scientific and Legal grounds. Increased capacity and confidence among local and grassroots Civil Society Organizations, to raise critical questions, obtain information under the Right to Information Act, and critique environmental clearance processes and Environment Impact Assessment reports. Establishment of a new channel of communication between affected communities and the Government, in the form of a 'Western Ghats Environment Impact Assessment Cell', which will ensure that the issues related to Environment Impact Assessment's and concerns of the local communities are communicated to the relevant agencies (e.g. the Expert Advisory Committee and Forest Advisory Committees of the Ministry of Environment and Forests, and the National Green Tribunal). Strengthened networks among local communities and Civil Society Organizations working to safeguard critical biodiversity against incompatible development projects. Observed shift in the paradigm of relevant government agencies of the necessity of Comprehensive Environment Impact Assessment (i.e. based on studies covering Four Seasons not only One as at present) for all mega projects. Regular dissemination of information about Environment Impact Assessment and other issues through the Western Ghats Environment Impact Assessment Cell's website and through electronic updates. Greater coverage in local and national media of environmental clearance issues related to development projects in the Western Ghats. Appropriate mitigation strategies devised for selected development projects with existing environmental clearance through environmental audits.

Actual Progress Toward Short-term Impacts at Completion:

The short term impacts are visible to the extent that the ERC Western Ghats Cell is increasingly responding to EIA and forest related issues based on citizens demand. The following are some of the short term impacts visible:

1. Increase in number of groups raising concern about EIA related issues and specifically in raising concerns with respect to EIA report, public hearing proceedings and other related issues.
2. Greater collaboration among environmental, wildlife and social action groups on EIA issues.
3. Regular representations before Expert Appraisal Committee and State Level Expert Appraisal Authority with respect to proposed projects and its implication on people and the environment. The representations are based on critiques of EIA done by ERC.
4. Better information dissemination through electronic updates including analysis of forest land diversion and environment clearance.
5. Increased coverage of EIA issues in national and local media as a result of regular updates given by ERC field units.
6. Rapid response through field visit and photo documentation of violations of environment laws by the field units thereby preventing diversion of forest land.
7. Greater vigil on various authorities at the state and national level through use of RTI so as to ensure accountability and transparency.

Please provide the following information where relevant:

Hectares Protected:

Species Conserved:

Corridors Created:

Describe the success or challenges of the project toward achieving its short-term and long-term impact objectives.

Bringing about systematic reform in policy, law and practice is time consuming and the results are really visible in short time span. However, what is significant of ERC work is the fact that issues concerning environmental governance especially with respect to EIA and forest clearance were to a significant extent mainstreamed within the larger governance framework. Prior to the work of ERC, the EIA and Forest Clearance related issues were rarely understood by local groups and individuals. The EIA process and the forest clearance process were

to legalistic and technical for an average activist or NGO to be familiar about. ERC play the role to bridge the gap between the complex world of EIA and forest clearance and the concerns of the local affected people. The first task undertaken by ERC was effective collection followed by analysis of data and information. This was followed by an elaborate and details process of mapping areas which were mined and areas where industries and other projects and either been setup and proposed, further the time. These documents were the basis for seeking mandatory accumulative impact assessment before new projects are allowed to come up. The various capacity building programs greatly enhanced public knowledge with regard to the damaging consequences of such mindless developmental activities. The training programs as well as enhanced information dissemination coupled with legal understanding led to increased number of petitions / applications before the newly established National Green Tribunal. As a result of this intervention at multiple level, large scale destructive projects were not approved and long term studies initiated for other proposed projects. One of the most significant success of ERCs work has been the fact at groups in Western Ghats now know where to approach for EIA and Forest clearance related issues. Further, various civil society groups irrespective of their focus of work are now involved in some way or the other in environmental governance related issues.

Were there any unexpected impacts (positive or negative)?

No

Project Components

Project Components: *Please report on results by project component. Reporting should reference specific products/deliverables from the approved project design and other relevant information.*

Component 1 Planned:

Capacity built among at least 20 local and grassroots Civil Society Organizations in the northern Western Ghats on the following topics: 1. The EIA Process and Forest Clearances 2. Non-Compliance, Ecological Damages and Claims for Compensation 3. Approaching the National Green Tribunal

Component 1 Actual at Completion:

1.1 Capacity building programs conducted on the above topics for 28 civil society groups and people organization on the above topic involving 276 participants in different areas of Goa, Maharashtra and Karnataka.

1.2 Four of the local organizations have conducted trainings on EIA ().

Component 2 Planned:

Western Ghats Environment Impact Assessment Watch' website established.

Component 2 Actual at Completion:

- 2.1 The website of the ERC has specific focus on Western Ghats where all EIA related information are uploaded.
- 2.2 Updated Google map with information with regard to dams and mines is uploaded on ERC website.
- 2.3 Weekly updates provided with regard to all projects in Western Ghats.

Component 3 Planned:

'ERC Western Ghats Environment Impact Assessment Cell' established as an independent action and advocacy initiative group (with Scientific and Legal Expertise) and handles at least 50 cases in the northern Western Ghats.

Component 3 Actual at Completion:

- 3.1 The Western Ghats cell has dealt with nearly 39 issues over the project period. The target of 50 could not be reached in view of the positive fact that the government has imposed a moratorium on fresh EIA clearances. Further, an interim ban on mining was imposed in Goa and in part of Karnataka in view of the report of Justice M.B. Shah.
- 3.2 Informal network of Experts comprising 18 subject specialists has been formed.
- 3.3 Three communication products; a simple manual to National Green Tribunal, EIA notification, and public hearing produced.
- 3.4 Out of the total of 15 fact sheets planned to be produced, 8 have been prepared and 4 are in review.
- 3.5 Database of 124 EIAs reports exists and list is being expanded.
- 3.6 Third party record of only four public hearing out of the target of 12 could be maintained since no public hearing to praise in view of the moratorium.

Were any components unrealized? If so, how has this affected the overall impact of the project?

The components with respect to third party record of public hearing could not meet its target. This however, did not affect the overall project. The fact sheet

component which was part of component 3 also could not achieve its target. However, this was in view of the fact that we decided to focus on in depth study of few issues in view of new developments that had arisen specially the ban on mining. In view of this we did a detailed study on the impact due to the ban on mining in Goa.

Please describe and submit (electronically if possible) any tools, products, or methodologies that resulted from this project or contributed to the results.

Lessons Learned

Describe any lessons learned during the design and implementation of the project, as well as any related to organizational development and capacity building. Consider lessons that would inform projects designed or implemented by your organization or others, as well as lessons that might be considered by the global conservation community.

One of the most significant lessons which we have learnt during the course of implementation of the project is the immense scientific knowledge which exists among common folks as well as their ability to become crusaders for the environment when there is danger to the livelihood and culture. The fact that common people who need not be environmentalist or even activist turn into what can be termed as 'reluctant environmentalist' when they become aware of legal rights. The recent legal developments in India specially in the form of the National Green Tribunal has led to empowerment of the people who now have a statutory right to challenge faulty environmental and forest clearance. This new institutions has given a fresh lease of life to India's environment movement and has led to increased interest in EIA process. People now feel that by effectively critiquing EIA reports and participating in the public hearing and other related process they can effectively prevent destruction of forest and biodiversity. What is also significant is that most of the participants who raise scientific and technical issues with respect to EIAs are not either NGOs or highly qualified people in the formal sense of the term but rather villagers, farmers and fishers folks. Through the collective wisdom and faith in the legal process significant intervention has been possible for ensuring long term conservation. The role of civil society and groups like ERC should be essentially to support through legal and scientific inputs these people who are in the fore front of environmental protection.

The present project also shows how Principle 10 of the Rio declaration can be effectively put into operation. Principle 10 states that environmental issues are best handled by the participation of all affected person. Every citizen must have

the ability to participate in decisions which concerns their environment and must have information with regard to the environment. There must be also effective ways of public participation and access to justice. The present project is based on effective participation in EIA process, the public hearing process, access to EIA document and access to avenues of justices (National Green Tribunal). The various issues handled by ERC clearly shows how the three pillars of environmental democracy i.e. access to information, public participation and access to justice is critical to biodiversity conservation.

Project Design Process: (aspects of the project design that contributed to its success/shortcomings)

The project was designed in such a way that it was to be done in collaborations with other groups. It was recognized that ERC on its own neither has the man power nor resources to lead any single conservation effort. Rather given the human skill and resources it was decided that ERC will only concentrate on providing technical, scientific and legal support to existing environmental groups. Further, information collection and dissemination was seen as a critical aspect which needed focus. Keeping these in view the role of ERC was essentially to collect and compile information, provide critiques to EIA report and provide legal advice to communities and CSOs.

Project Implementation: (aspects of the project execution that contributed to its success/shortcomings)

The main factor which has contributed to the success is the fact that ERC has been able respond to the range of issues in the region which has been possible principally because the team at ERC comprises of environmental lawyers, scientists, community mobilizer, and has credibility for working for grass root groups for more than a decade. Further, ERC has played essentially a supporting role in the region by providing technical, scientific, legal inputs to existing initiative to protect the environment. This has led to a feeling of ownership and the fact that it is the affected people and local groups who will be at the fore front of environmental conservation efforts and not ERC. Thus ERC role as a support group to other local groups has contributed to its acceptance in the region and is seen as a worthy resource.

Other lessons learned relevant to conservation community:

Additional Funding

Provide details of any additional funding that supported this project and any funding secured for the project, organization, or the region, as a result of the CEPF investment in this project.

Donor	Type of Funding*	Amount	Notes
Ecosystem Alliance	B	USD 75,000	
Sierra Club	B	USD 50,000	

****Additional funding should be reported using the following categories:***

- A Project co-financing (Other donors or your organization contribute to the direct costs of this project)***
- B Grantee and Partner leveraging (Other donors contribute to your organization or a partner organization as a direct result of successes with this CEPF funded project.)***
- C Regional/Portfolio leveraging (Other donors make large investments in a region because of CEPF investment or successes related to this project.)***

Sustainability/Replicability

Summarize the success or challenge in achieving planned sustainability or replicability of project components or results.

The work of ERC has been appreciated by groups within the country and abroad. As a result of the work many donor agencies have shown interests and ERC unit has been established in the Eastern Ghats, following the model of Western Ghats. The interest of donor groups as well as of communities who have approached ERC shows that the model is sustainable and it is very much possible to replicate the same. The capacity building programs are worth replicating in other path of India and world and further the results can also be replicated.

Summarize any unplanned sustainability or replicability achieved.

Nil

Safeguard Policy Assessment

Provide a summary of the implementation of any required action toward the environmental and social safeguard policies within the project.

Nil

Additional Comments/Recommendations
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There need to be greater support for civil society engagement in the EIA process given the fact that natural resources are under increasing threat due to industrialization and related construction activities.

Information Sharing and CEPF Policy

CEPF is committed to transparent operations and to helping civil society groups share experiences, lessons learned, and results. Final project completion reports are made available on our Web site, www.cepf.net, and publicized in our newsletter and other communications.

Please include your full contact details below:

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*****If your grant has an end date other than JUNE 30, please complete the tables on the following pages*****

Performance Tracking Report Addendum

CEPF Global Targets

(Enter Grant Term)

Provide a numerical amount and brief description of the results achieved by your grant.

Please respond to only those questions that are relevant to your project.

Project Results	Is this question relevant?	If yes, provide your numerical response for results achieved during the annual period.	Provide your numerical response for project from inception of CEPF support to date.	Describe the principal results achieved from July 1, 2012 to May 30, 2013. (Attach annexes if necessary)
1. Did your project strengthen management of a protected area guided by a sustainable management plan? Please indicate number of hectares improved.				Please also include name of the protected area(s). If more than one, please include the number of hectares strengthened for each one.
2. How many hectares of new and/or expanded protected areas did your project help establish through a legal declaration or community agreement?				Please also include name of the protected area. If more than one, please include the number of hectares strengthened for each one.
3. Did your project strengthen biodiversity conservation and/or natural resources management inside a key biodiversity area identified in the CEPF ecosystem profile? If so, please indicate how many hectares.				

<p>4. Did your project effectively introduce or strengthen biodiversity conservation in management practices outside protected areas? If so, please indicate how many hectares.</p>				
<p>5. If your project promotes the sustainable use of natural resources, how many local communities accrued tangible socioeconomic benefits? Please complete Table 1 below.</p>				

If you answered yes to question 5, please complete the following table

Total																			

If you marked "Other", please provide detail on the nature of the Community Characteristic and Socioeconomic Benefit: