

To  
The Secretary,  
Ministry of Environment, Forest and Climate Change,  
Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi-110 003,

*Subject: Comments and observations on draft EIA Notification 2020 inviting comments from the public*

*Reference: Draft EIA Notification No. S.O. 1199 (E) issued by MoEF & CC on 23.03.2020.*

Dear Secretary

We write to you as a group of organizations and individuals working on sustainable and non-exploitative forms of tourism, through running tourism enterprises; undertaking research; and through campaigns and advocacy around tourism. Our response to the draft Environment Impact Assessment (EIA) Notification, 2020 and suggestions for ways forward has emerged from a broad spectrum of our work on tourism.

Tourism has been seeing continuous growth for many years now. In the year 2018, the growth rate of tourism was 11.9% in the domestic tourist visits and 5.2% in the foreign tourist arrivals (Ministry of Tourism, 2019). Although tourism has seen a major decline in the last few months, measures to revive tourism are also currently underway. As you are aware, tourism is not merely a holiday. It is a structural socio-cultural and economic phenomenon that is introduced into, and impacts, the lives and livelihoods of local communities in the “destination”, and brings about changes to the environment. In the post-COVID development of tourism, sustainability, environmental protection and community-orientation are important principles with which the tourism sector can be rebuilt. A strong and robust environmental scrutiny is a must for development of sustainable tourism.

For this, it is important that the EIA framework be worked into a new law or even rules under the Environment (Protection) Act, 1986. As a notification, the EIA is a subordinate legislation that is a hindrance to deeper public debate and democracy. **We request the Ministry to adapt a proactive approach and withdraw the current draft notification, and re-write the environmental impact assessment framework through an Act or as Rules to the Environment Protection Act.**

At the same time, it is also important to weave in the current framework of environmental governance in India, which recognizes the rights of communities to meaningfully participate in decision-making and environmental governance. Flowing from the 73rd and 74th Amendment to the Constitution, several laws recognize the rights of local governance. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the Biological Diversity Act, 2002, the Panchayats (Extension to Scheduled Areas) Act, 1996 and Panchayati Raj Acts of different states are some of them. Yet, over the years, the EIA framework has continued to remain isolated from these laws. The EIA process in

India remains very technocratic, with only a limited space through the public consultation where people who will be affected by the project and concerned citizens can engage with the impacts of the project. This consultation process happens only after an EIA report has been made, and furthermore, there are several exceptions and dilutions within the public consultation process.

**To integrate the democratic rights as recognized in the abovementioned Acts, as well as in several court judgments, we propose to the Ministry to significantly restructure the current EIA framework and process to give a much larger space to stakeholders, particularly affected citizens, and to incorporate principles of prior, informed consent of affected persons within the scope of EIA.**

We submit to you a few suggestions to strengthen the environmental scrutiny over tourism projects in India. More detailed explanations for this are provided in Annexure I.

1. **Tourism should be included as a separate industry within the Schedule.** As you are aware, tourism was included as an industry within the 1994 EIA notification, but was removed in 2006. The 2020 notification also does not include 'tourism projects'. As detailed out in Annexure I, tourism has several negative impacts on the 'destination', including generation of waste, depleting water resources, changes in biodiversity and changes in social structures. Therefore, it is important to recognize it as a separate industry, and assess its impacts. The 1994 notification recognized that impacts of tourism projects in high elevation areas or along the coasts and above 5 crores investment is required to take an Environment Clearance. Following a similar categorization, we recommend that tourism projects should also be assessed at different levels, based on location, in ecologically fragile areas and above a certain investment threshold. Such an assessment should also include a 'Tourism Carrying Capacity' analysis.
2. **We strongly recommend that a holistic and comprehensive Tourism Carrying Capacity be included within the EIA, in such a manner as to consider the multi-dimensionality of tourism, and with the involvement of the local community at all stages.** Most importantly, development of any area must respect the voice of the local communities. Three important dimensions of tourism have to be considered - physical-ecological, socio-demographic and political-economic. The physical-ecological element includes ecology, natural heritage, climate, water, power, fuel and other such components. The socio-demographic element includes interrelation between local communities, tourists, tourism facilities, cultural identities and other characteristics. The political-economic element includes the linkages to local economy, governance structure, policies and such characteristics. Local level planning and development is the responsibility of the Panchayati Raj. As tourism carrying capacity is also a process for management and planning of the area, it is imperative that local participation is sought at all stages.

Tourism also has participation from different segments of people. Tourism can also be beneficial to local communities and allow for socio-economic development of

marginalized social groups. The framework that is developed for environmental impact assessment of tourism will have to take this into consideration.

3. **Strengthen process of consultation and consent within EIA** - The current framework on EIA is a technocratic process where there is limited scope for affected persons, other stakeholders and the general public to engage with the projects. This is only possible through the public consultation process, which happens only after a full draft EIA is formulated, and even then, there are several exceptions to this.

The importance of full participation of affected communities has been recognized in several different laws, as mentioned above. The affected communities are the primary stakeholders in the development process, and hence, **we strongly recommend that the EIA framework ensure full, prior and informed consent of affected persons within the EIA process.**

For tourism, the role of Panchayats in regulating land usage, building construction, waste management and others has been recognized under several state-level Panchayat Raj Acts. **The EIA process must recognize the critical role of Panchayats in managing tourism development in the area, and ensure the full participation and consent of the Panchayat from the Scoping stage itself.** Similarly, the Forest Rights Act 2006 and the Biodiversity Act 2002 recognize the role of Gram Sabhas in self-governance. Under both these laws, committees have been created with the explicit purpose of environmental protection. Hence, these local environment protection committees must be closely involved in the process of assessing impacts and planning mitigation measures. **The full consent and participation of the Gram Sabha must also be secured within the EIA framework.**

4. Small infrastructure projects, which are tourism related, may have severe ecological impacts that are either left out of the EIA framework or have been insufficiently covered. **We propose that infrastructural projects in ecologically fragile areas, including mountains and coasts, be included in the EIA as Category A or B1, without size thresholds.** A few specific examples are given below.

Roads and highways - In the tourism sector, there is a great focus on 'last mile connectivity'; while highways may connect far off places, last mile connectivity ensures that tourists are able to go to more and more remote areas with ease. As you are aware, several of these last mile connectivity projects are built in ecologically fragile areas, and although only 2-3 kilometres in length, they can have serious ecological impacts. For example, the road to the endpoint of Dhanushkodi, Tamil Nadu and the road and promenade in Kanyakumari, Tamil Nadu are built in heavily eroding coastlines, and can seriously threaten them through unpredictable changes in shoreline dynamics. **We strongly recommend that new and expansion of all tarred roads in ecologically sensitive areas such as mountains and coastal areas be included within the EIA.**

Aerial ropeways are also projects that do not have sufficient environmental scrutiny under the 2020 notification. Several projects of aerial ropeways are being undertaken by the State and Central Governments. Ropeways have several environmental impacts, which the Ministry itself has also identified in its EIA Guidance Manual for aerial ropeways (Ministry of Environment and Forests, 2010). Under 2006, all ropeway projects were classified as Category B and some in sensitive areas as Category A, but under the 2020 notification, only ropeway projects in ecologically sensitive areas require any clearance and that too as Category B2, and hence they do not require an EIA report, public consultation or Appraisal. The dilution of the scrutiny for aerial ropeways between the 2006 and 2020 notifications is bound to have negative impacts on the ecology of the site. **We strongly recommend retaining the original categorization of ropeway under the 2006 notification so that the impacts can be effectively assessed and mitigation measures undertaken.**

5. **We recommend the inclusion of Golf courses as a separate industry within the Schedule.** Golf courses alone can substantially alter a landscape. The world over, golf courses are criticized as being water guzzling monsters and highly polluting for the kind of pesticides, chemicals and nutrients (Guzma et al, 2014). As golf tourism is an emerging tourism trend, a few projects are in the pipeline for development and some of them as beach tourism sites. For example, the Samukha Beach Tourism Project, Odisha and the Opus Laguna Golf and Beach Resort, Karnataka are two such projects. While both projects are assessed as being large construction projects, golf courses by themselves are not part of a category of assessment.
6. One of the biggest loopholes in the current structure of assessing tourism impacts is that it is done at an individual project level and not at a landscape level. That is, an environmental impact assessment is done each time a new project is proposed in an area and the impact is measured. **We strongly recommend that tourism projects be looked at in a comprehensive manner and measured for the tourism related impacts on the environment and on local communities, not merely for individual infrastructure components.**

This would also bring about a huge shift in the frame of reference required to measure environmental impact assessment. For example, when we look closely at the Recreational Tourism Development Zone in Gorai-Manori-Uttan in Maharashtra (MMRDA, 2013), individual infrastructure developments such as bridges, ropeways, roads and jetties are assessed for individual impact. However, they will not be assessed for the environmental and social impact in relation to one another. All of these infrastructure developments are all towards building a special tourism zone. There is no way to know and assess the viability of a tourism zone against other environmental parameters such as land, water, waste generation, noise, impacts on biodiversity etc- all impacts seen from increasing tourism footfalls. Tourism as a whole can also have several impacts on the communities living in the area. Increasing tourism in the area will also affect the livelihoods of fishworkers who

depend on mangroves. Additionally, increasing tourism can change the social structures in this small island, and have other socio-cultural impacts.

This is also true of other infrastructure projects such as dams and lighthouses, which are primarily infrastructure projects but also have significant tourism activities. These are not assessed for tourism impacts.

Under the current framework of EIA there is no way to assess impacts at a landscape level. Haphazard, unplanned tourism can wreak ecological havoc, and also threaten lives, as seen in the case of the 2013 Uttarakhand floods. In tourism hotspots like Shimla and Goa, tourism has significantly contributed to acute water shortages and has deprived local communities of essential resources. In places like Mahabaleswar and Kodaikanal, tourism has changed the demographic structure of the place, and we now see that there are more tourists than the local population. Hence, in tourism hotspots like these and many other destinations across India, **we need a cumulative impact assessment from the perspective of tourism - a tourism impact assessment.**

The proposed draft EIA Notification falls short in many ways, particularly with respect to tourism. It fails to take into account that tourism requires a robust environmental scrutiny. The COVID-19 crisis has brought out to the world the increased need for robust environmental protections. Given the learnings from this crisis, it is important to take this time to rethink and restructure the EIA framework in India, which can be the lifeline of environmental governance, bringing in the balance between environmental sustainability and development.

A detailed and constructive public consultation process takes stock of the current status of the environment and assesses the impacts felt by communities across India from various projects is the need of the hour. **We strongly recommend that your Ministry withdraw the draft EIA notification 2020, conduct a detailed and broad public consultation, involving all stakeholders and the public, and draft a strong and robust Act for environmental impact assessment.**

Yours sincerely,

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## ANNEXURE I - IMPACTS OF TOURISM

Tourism is a structural socio-cultural and economic phenomenon that is introduced into, and impacts, the lives and livelihoods of local communities in the “destination”, and brings about changes to the environment. The development of tourism can have both positive and negative spin offs. It has the potential to contribute directly to the economy by increasing government revenues, generating employment and demand for goods and bringing in foreign exchange. On the other hand, it can also produce a multitude of adverse impacts on the social, cultural and economic fabric of the landscape and could also have several impacts on the ecology of the area.

Tourism is heavily dependent on several supporting industries, construction being one of the primary ones - construction of accommodation units and eateries, of parking lots and public amenities for tourists. Tourism also relies on transportation infrastructure, roads and railways, and the provision of “last mile connectivity”. Apart from these physical changes that alter the landscape, the impacts of tourist visitation also needs to be considered. Tourists are rather lavish consumers of resources like water and electricity, consuming on average 5-10 times the water that residents use. Local communities are dependent on the very same resources that tourism also relies on. Often, increasing tourism has also resulted in conflict over resources of water, land and public utilities. Tourism itself also generates a large amount of garbage, and plastic pollution which directly impacts the local ecology. Tourism has the potential to completely alter the physical, ecological and social environment of a place.

Severe ecological impacts is a reality in many destinations. Take for example the wildly popular hill stations such as Shimla, Mahabaleshwar, Kodaikanal or many others which has very large numbers of tourists visiting regularly. Places like Mahabaleshwar and Kodaikanal have tourist numbers that far exceed the population of these hill towns. Shimla faces a water shortage situation every year, which got particularly acute in 2018.

Tourism has also contributed to disasters like the 2013 floods that ravaged Uttarakhand. As Uttarakhand has a significant share of its economy contributed by tourism. To cater to the needs of tourists, there were a large number of hotels, lodges and guesthouses which were built right along the river, all to cater to the demands of tourism, leaving no place for natural floodplains. The rampant construction which had replaced natural forests had destroyed the Himalayan ecology and made it vulnerable to landslides. The destruction and loss of lives when the rivers flooded has largely been attributed to unplanned constructions of roads, hotels, shops and multi-storey housing in the fragile mountain slopes.

There is ample evidence to point to the fact that tourism can have severe environmental impacts on a landscape. The primary purpose of an EIA framework is to assess the potential environmental impact any activity would have on a landscape and ensure that mitigation measures are taken. The EIA framework is expected to help achieve the balance between ecology and the economy. Hence, it is important to include tourism as a separate industry within the EIA framework.

## Tourism-related industries

Though *tourism as an industry does not need to have any environmental impact assessment carried out*, as tourism is a cross cutting industry, a few smaller aspects of tourism, such as construction, highways/airports, ropeways and a few others get covered in a piecemeal manner. But, as highlighted in further sections, even these are covered under the EIA only when they cross a certain area threshold or cost threshold. Several tourism related construction and road projects get left out of any impact assessment.

In the tourism sector, there is a great focus on 'last mile connectivity'; while highways may connect far off places, last mile connectivity ensures that tourists are able to go to more and more remote areas with ease. Many of these roads are short distances, 2-3km and may be narrow. But these roads are often built in ecologically and socially fragile areas, and therefore can have greater impacts. These kinds of small road projects also often reduce transaction costs and facilitate more tourist projects coming through in the area.

Below are two small examples from our work of how roads, even across small stretches can threaten both the ecological stability of an area as well as have serious social impacts -

In 2017, the National Highway No. 87, which went up to Dhanuskodi, was further extended till the end point, Arichil Munai, where the land meets the sea. According to a member of a local NGO, locals raised objections to the construction of this road, on the grounds that this area was very unstable and building a road would change shore dynamics in unpredictable ways. However, the road was constructed despite these objections. As expected, since the inauguration of the road, there have been several issues with sand and erosion leading to frequent closing off of the road.

Another example of the impacts of 'last mile connectivity' road projects can be seen in Kanniyakumari. Buffeted by the ocean from all directions, Kanniyakumari is highly ecologically vulnerable - it was hit by Cyclone Ockhi in 2017 which killed 80, and by the tsunami in 2004 which killed more than 800 people. However, a more systematic vulnerability that Kanniyakumari faces is from shoreline changes. The coastal zone of Kanniyakumari sees high erosion on one part of it and accretion on the other, with research showing that the Kanniyakumari coastline is one of the major erosion coasts of India (Mujabar & Chandrasekar 2011). As one retired scientist in Kanniyakumari pointed out - *the coasts of Kanniyakumari are unstable, and highly changeable. The depletion is very high, and even a small change can deplete the shoreline and submerge villages.*

Kanniyakumari is a well known tourist destination, famous for it's cape and the end of mainland India. Recently, under 'last mile connectivity, ~Rs. 2 crores has been spent on laying a road and a promenade that shorten the distance between two tourist spots - Triveni Sangam and Sunset Point.

This road and promenade, only about 2.7 km in length, cuts across through the rocky beach that characterises this shoreline, and the vegetation-covered dunes right next to them, completely destroying the dune.



Experts point to the importance of sand dunes for coastal ecosystems, since they not only act as a filter preventing salt-water intrusion into freshwater aquifers, but also as barriers that protect the seashore. Moreover, plants like the beach morning glory (*Ipomoea pes-caprae*), seen in the picture above, and found all along the coast of Kanniyakumari, are important in preventing erosion because their roots hold the sand in place.

For a shoreline as highly unstable and prone to disasters as Kanniyakumari, such construction completely removes the natural protection, and can further destabilize the coast by blocking wind and wave movement, and by removing vegetation that helps reduce erosion. To leave out such road projects in highly vulnerable areas from impact assessment and mitigation measures puts ecosystems and human lives at tremendous and unacceptable risk.

### **Aerial ropeways**

In the last few years, state and central governments have been exploring the increased usage of ropeways, both for cargo transport as well as for tourism. Under the 2020 notification, provisions for ropeways have been severely diluted - where in 2006, all ropeway projects were classified as Category B and some in sensitive areas as Category A, under the 2020 notification, only ropeway projects in ecologically sensitive areas require any clearance and that too as Category B2, meaning that they do not require an EIA report, public consultation or Appraisal.

Despite the government portraying ropeways as an 'environment friendly' option, ropeways have several environmental impacts. As pointed out in this Mongabay article, the Ministry itself identified several impacts of ropeways such as soil erosion, wastewater generation and others. Down to Earth has pointed out the threat of a ropeway through Girnar Wildlife Sanctuary to the nesting of Girnar vultures, of which only 69 vultures are left.

Looking in detail at the EIA reports undertaken for ropeways also shows several of these impacts. For example, below are a few of the impacts brought out by the EIA report of a ropeway in Guwahati, in their own words -

- The construction activities will also involve disposal of slurry resulting due to excavation activities
- The run off from the site may contain high quantity of suspended solids (SS).
- During construction phase, wastewater shall be generated from labour activities on site. Wastewater generated would be characterized by high levels of BOD, SS, Nitrogen and E. Coli.
- During operation phase, it is assumed that 80 % of the water supplied will be discharged as wastewater. Approximately 11.61 m<sup>3</sup> /day of wastewater will be generated.
- Potential impacts of project operation on terrestrial and aquatic ecology include increased noise and disturbance from the operation of the cable car including maintenance, glare/lighting impact of structures (towers and cables) on bird species

- The major impact will be on mammals and birds whose breeding cycle depends upon light period. Their breeding cycle will get altered due to change in light period.
- Sound and air pollution produced will cause unrest to mammals, birds and insects whose breeding and mating depends upon mating call.
- Frogs and reptiles having niches near the machine room will be permanently disturbed, unless they establish new habitats.

### **How to measure impacts of tourism?**

One of the biggest critiques of the current structure of environmental impact assessment is that it is done at an individual project level and not at a landscape level. That is, an environmental impact assessment is done each time a new project is proposed in an area and the impact is measured

For this, at the very least, it is important that tourism projects be looked at in a comprehensive manner and measured for the tourism related impacts on the environment and not merely for individual infrastructure components of tourism projects. This acknowledgement would also bring about a huge shift in the frame of reference required to measure environmental impact assessment. In this case, it logically follows that tourism impact assessment will have to be done at a landscape level and not at the individual project level.

For example, the Recreational Tourism Development Zone in Gorai-Manori-Uttan in Maharashtra. A development plan has been proposed for developing 8 villages in 1200 acres of land area into a tourism zone. The zone is expected to have tourist amenities, improving accessibility through road widening, newer bridges and other networks, jetties etc. mangrove parks and mangrove boat rides, a continuous belt of establishments providing recreational and a range of tourism services along the coastal beaches, as well as facilitating activity along the beach and sea. As the name suggests, a large tourism zone has been envisioned as the future of Gorai-Manori-Uttan.

While this has been couched under the term of a development plan, each of the individual pieces of the large development puzzle are expected to go through the EIA. For example, two bridges, a ropeway and two jetties are the projects in the pipeline. These projects will be individually assessed for the environmental impact they will bring in, but they will not be assessed for the environmental impact in relation to one another. The special tourism zone is planned and proposed as a whole, but is executed and implemented in a piecemeal manner. It would not be necessary for the individual pieces of the puzzle to look at the overall impacts of creating a large tourism zone in the Gorai-Uttan-Manori area.

While each of these projects have limited impacts, the entire project as a whole will devastate the region. One of the biggest environmental impacts would be the loss of mangroves. The Gorai-Uttan-Manori area has a large area of community conserved mangrove area. The importance of these mangrove forests to the Mumbai coastline has also been acknowledged by the High Court of Mumbai. But the proposal to make 2 bridges, 2 jetties, a ropeway, a boardwalk for a mangrove park, along with expansion of Essel World

and the Vipassana Pagoda would cumulatively result in the destruction of a substantial portion of the mangrove forest. As the islands have a large population of fishworkers, it would also result in the loss of many people's livelihoods.

Similarly, there is no way to know and assess the viability of a tourism zone against other environmental parameters such as land, water, waste generation, noise, impacts on biodiversity etc- all impacts seen from increasing tourism footfalls. In Dharavi Bet, the Essel Group further bought private land in Uttan (which is 7 km away from Essel World) and installed borewells, and that became the source of freshwater for the property and the sprawling water park. Local communities have shared that excessive drawing of water has led to rapid depletion of the water table and salt water ingress, leading to a crisis for the Uttan farmers.

Under the current framework of EIA, individual tourism related constructions such as hotels, lodges, guesthouses are not appraised for the environmental impact they have. But all together, haphazard, unplanned tourism can wreak havoc. It has often been argued that in industrial clusters, where several industries are packed close together, what is required is a cumulative impact assessment and not individual assessment of projects. In fact, in 2011, the MoEF&CC had also mulled over a proposal to suo-motto undertake Environment Impact Assessment (EIA) for projects coming up in eco-sensitive areas, as well as undertake cumulative impact assessments for areas that have multiple industrial units. For tourism hotspots such as mountain towns like Shimla and Kodaikanal or beach destinations like Goa and Puri, what we need is something like a cumulative impact assessment from the perspective of tourism- a tourism impact assessment.

Tourism needs to not only be included as a separate industry under the Schedule, additionally we propose that in tourism hotspots, it is necessary to undertake cumulative impact assessment for the whole area. Additionally, linear projects like ropeways and roads (including small road projects) in ecologically fragile areas should be in Category A or B1, requiring the full EIA process.

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