

MINUTES OF THE 194th MEETING OF EXPERT APPRAISAL COMMITTEE FOR PROJECTS RELATED TO COASTAL REGULATION ZONE HELD ON 27th JULY, 2018 AT INDIRA PARYAVARAN BHAWAN, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, NEW DELHI.

The 194th Meeting of the Expert Appraisal Committee for projects related to Coastal Regulation Zone was held on 27.07.2018 at Brahamputra Conference Hall, Vayu Wing, First Floor, Indira Paryavaran Bhawan, New Delhi. The members present were:

- | | | | |
|----|------------------------|---|------------------|
| 1. | Dr. Deepak Arun Apte | - | Chairman |
| 2. | Dr. N.K Verma | - | Member |
| 3. | Dr. Manoranjan Hota | - | Member |
| 4. | Dr. Anil Kumar Singh | - | Member |
| 5. | Shri. N.K. Gupta | - | Member |
| 6. | Dr. Mohan Singh Panwar | - | Member |
| 7. | Shri Arvind Nautiyal | - | Member Secretary |

Dr. V.K Jain, Dr. M.V. Ramana Murthy, Shri T.P. Singh, Shri. Prabhakar Singh, Shri Sanjay Singh, Shri. Narendra Surana, Dr. Anuradha Shukla and representative from Survey of India were absent.

Also in attendance: Shri W. Bharat Singh, Addl. Director, MoEFCC and Dr. Bhawana Kapkoti Negi, Technical Officer, MoEFCC. The deliberations held and the decisions taken are as under:

2.0 CONFIRMATION OF THE MINUTES OF THE LAST MEETING.

The Committee having noted that minutes of the 192th meeting were found to be in order confirmed the same.

3.0 CONSIDERATION OF PROPOSALS:

3.1 Proposal for replacement of existing Seawater Intake Pipeline & Enhancement in Seawater Intake by developing two earthen ponds and auxiliary facilities, Porbandar, Gujarat by M/s Saurashtra Chemicals Division of Nirma Ltd.- [F.NO.11-4/2018-IA.III] –CRZ Clearance reg.

M/s Saurashtra Chemicals Division of Nirma Ltd. had submitted a proposal for replacement of existing seawater intake pipelines and enhancement of sea water intake by developing two earthen ponds and auxiliary facilities at Porbandar, Gujarat.

2. The proposal was placed for consideration in the 186th Meeting of the Expert Committee (CRZ) held on 27.03.2018. The Committee in the said meeting had observed that the development of earthen ponds for storage of seawater will have a major impact on the soil and ground water of the area and thus may not be considered. The Committee had further stated that the area is one of the best of its kind in terms of coastal ecology and should remain undisturbed and therefore the

proposed interim storage of sea water is not an optimal solution. *The Committee therefore agreed and recommended that only replacement of existing pipelines and setting up of auxiliary facilities as maybe required such as pumping stations can be considered at present.*

3. The Committee had also suggested that as an alternative option that in case the project proponent so desires, they may explore extending the intake (and outfall) pipelines further into the deeper sea to get a better draft and therefore more water during low tide. The Committee however, decided that under such a circumstance, revised requisite documents such as: (i) marine EIA study report indicating impact arising due to choice of new location of intake and outfall points and mitigation measures suggested thereof; (ii) CRZ map showing the extent of pipelines (intake and outfall); and (iii) amendment to the recommendation from the Gujarat Coastal Zone Management Authority for such a scenario, shall be submitted and the proposal will be re-appraised for various options.

4. M/s Saurashtra Chemicals Ltd. has now informed that based on the suggestions of the Committee, they have approached NIO for review of the extension of pipeline. NIO has made the following suggestions;

- i) Presently, Saukem has a permission to withdraw approximately 176.1 MLD seawater by gravity.
- ii) For withdrawing 400 MLD of seawater, depth needed is at least 5m below CD.
- iii) For taking water from the sea on gravity basis, approximately 1.5 km long pipeline will be required to be laid on trestles along the coastline – which would be a hindrance to navigation.
- iv) In case the extended pipeline is laid on the sea bed, then existing mode of gravity based pumping would not be possible and will need to install all required facilities for mechanical pumping for the extended intake pipeline.

5. M/s Saurashtra Chemicals Ltd. in support of their argument and necessity for development of the earthen pond informed the following:

Particular	Development of Two Earthen Ponds and Ass. Auxiliary Facilities	Extension of Pipelines further into deep sea
Technical Feasibility as per NIO	Feasible	Feasible
Sea water withdrawing Mechanism	By Gravity	By Pumping
Proposed withdrawal depth	2m below CD	At least 5m below CD
Remarks	<ul style="list-style-type: none"> • Since the present intake location is shallow, sufficient water is not 	<ul style="list-style-type: none"> • For gravity based intake as such, it is required to lay 1.5km long pipeline

	<p>available during low water for prescribed intake quantity.</p> <ul style="list-style-type: none"> • To remedy this, it is being proposed to develop two intermediate water storage tanks – at designated location adjacent to the existing plant premises. The land is already in possession with Saukem, and is currently being utilized as storage area. Hence there will not be any requirement for land clearing and impacts will be minimum. • Moreover, the location of the ponds is such that there is minimum distance of 200 m from HTL 	<p>from present intake location.</p> <ul style="list-style-type: none"> • This needs to be laid on trestles across the coastline – which would be a hindrance to navigation. • Other option is to go for mechanical pumping system for intake of seawater. • This would need to include activities like dredging, anchoring etc., on the sea bed.
Impact on environment	<ul style="list-style-type: none"> • The impact due to development of intermediate ponds would be negligible, because no additional land acquisition is required for the proposed intermediate ponds. • The land already belongs to M/s Saurashtra Chemicals Division of Nirma Ltd. • Also, the earmarked land area is already being utilized as a storage area. 	<ul style="list-style-type: none"> • Major impacts are envisaged. • Activities like dredging, anchoring would be involved over the extended pipeline network on the sea bed, apart from activities for auxiliary facilitates for pumping. This can in turn lead to adverse impacts on the aquatic ecosystem.
Financial feasibility	<ul style="list-style-type: none"> • Approx. Rs 10 crores – which is economically feasible 	<ul style="list-style-type: none"> • Approx. Rs. 125 crores. – which would not be economically feasible.

6. The Committee deliberated the submissions made by M/s Saurashtra Chemicals Ltd. and decided that a site visit may be undertaken to assess the ground reality and make recommendation to the Committee. It was also decided that Shri N.K. Gupta, Addl. Director, CPCB and a representative of the Ministry may undertake the site visit soon and submit a report. It was decided that based on the report of the site visit, the Committee may take its decision. Accordingly, the matter was deferred.

3.2 Proposal for Construction of Resort on Plot Bearing gut. No.31/1,30/2/3(C+E), Mauje Chandranagar, Dapoli, Ratnagiri, Maharashtra by M/s Dajikaka Gadgil [F.NO.11-17/2018-IA.III]- CRZ clearance reg.

The proposal of M/s Dajikaka Gadgil is for construction of a Resort/Hotel on Plot Bearing gut. No.31/1,30/2/3(C+E), Mauje Chandranagar, Dapoli, Ratnagiri, Maharashtra.

The project proponent made a presentation and provided the following information:

- i) The total plot area is 15950 Sq.m and the built up area will be 1315.68 Sq.m.
- ii) The resort/hotel will comprise of 24 rooms, a swimming pool and parking at ground floor.
- iii) The site falls under CRZ-III as per CZMP.
- iv) No diversion of forest land is involved.
- v) The FSI will be 0.109 and maximum height of the resort will be less than 9m as stipulated in CRZ Notification, 2011.
- vi) The CRZ map indicating HTL, LTL demarcation in 1:4000 scale with the proposed site superimposed on the map has been prepared by Indian Institute of Remote Sensing, Chennai.
- vii) Total water requirement will be 11 KLD, which will be sourced from Gram Panchayat (Maharashtra Jeevan Pradhikaran Water Scheme).
- viii) Rainwater Harvesting system will be installed and Storage Tanks of capacity 10,000 litre at each villa for rain water collection will be set up.
- ix) An STP of capacity 9 KLD will be installed.
- x) Total power requirement will be 225 KWH, which will be obtained from the local authorities.
- xi) A D.G set of 250 KVA will be installed for back-up power supply during load shedding.
- xii) Local and native plant species will be planted around the resort during green belt development.
- xiii) The project site has around 500 small and medium trees and shrubs. Clearing the around 250 trees are proposed. However, it is advised that the villas should be adjusted in such a way that minimum trees should be disturbed. Five times the no. of trees to be cleared, shall be planted in the project area so that loss of vegetation in the project site could be compensated.
- xiv) Implement the policy of water conservation (STP and Rain Water Harvesting), renewable energy (Use of Solar Energy), recycling of waste (Use of Organic Converter).
- xv) The total cost of the project will be Rs. 2.40 crores.
- xvi) MCZMA has recommended the project vide letter no CRZ- 2017/CR 16/TC 4, dated 12.06.2017.

2. The Committee noted that there is a mismatch of the water requirement indicated, the capacity of STP and water re-use / recycling presented. The Committee therefore decided that a water balance diagram/chart/table shall submitted including relevant document to indicate reliable source of water requirement for the resort/hotel for records.

3. Based on the deliberations and clarifications made by the project proponent, the Committee recommended the proposal for CRZ clearance subject to the following conditions:

- i) A 2% of the cost of the project shall be apportioned for environmental protection measures, to be spent by the project proponent during the currency of the project.

Proper record and account of measures taken shall be maintained and submitted to the MCZMA every six months.

- ii) As committed by the project proponent, five times the no. of trees to be cleared, shall be planted in the project area and ensure that survival rate is not less than 85%. To this effect, the project proponent shall first survey and earmarked the number of trees to be felled in consultation with the Forest Department and formulate tree plantation scheme. No tree shall be cut without prior approval of the Competent Authority.
- iii) No construction (including cemented/concretised parking space for vehicles) shall be made in the NDZ area.
- iv) Management of solid waste in accordance with the Solid Waste Management Rules, 2016 shall be strictly implemented
- v) The project proponent shall examine possibility of installing solar Panels all along open spaces available and rooftops for generation of renewable energy.

3.3 Proposed Construction of Resort/Hotel on Plot Bearing No.79/1A,79/1B,79/1C (3),79/2,88/43,88/44, Mauje Karde, Dapoli, Ratnagiri, Maharashtra by M/s Dajikaka Gadgil [F.NO.11-14/2018-IA.III]-CRZ clearance reg.

The proposal of M/s Dajikaka Gadgil is for construction of Resort/Hotel at Plot Bearing No.79/1A,79/1B,79/1C (3),79/2,88/43,88/44, Mauje Karde, Dapoli, Ratnagiri, Maharashtra. The project proponent made a presentation and provided the following information:

- i) The total Plot Area is 44440.00 Sq.m and the built up area will be 7750.48 Sq.m.
- ii) The resort/hotel will comprise of a reception, restaurant, kitchen, spa unit, villa -1 (09 Nos) and villa -2 (14 Nos).
- iii) The site falls under CRZ-III as per CZMP.
- iv) No diversion of forest land is involved.
- v) The FSI will be 0.207 and height of the resort less than 9m, as stipulated in CRZ Notification, 2011.
- vi) The CRZ map indicating HTL, LTL demarcation in 1:4000 scale with the proposed site superimposed on the map has been prepared by Indian Institute of Remote Sensing, Chennai.
- vii) During construction phase the water requirement will be 8 KLD and during operation phase 20 KLD will be required and it will be sourced from Gram Panchayat (Maharashtra Jeevan Pradhikaran Water Scheme).
- viii) Rainwater Harvesting system will be installed and Storage Tanks of capacity 10,000 litre at each villa for rain water collection will be set up.
- ix) Total power requirement will be 225 KWH, which will be obtained from the local authorities.
- x) Local and native plant species will be planted around the resort during green belt development.
- xi) The project site has around 500 small and medium trees and shrubs. Clearing the around 250 trees are proposed. However, it is advised that the villas should be adjusted in such a way that minimum trees should be disturbed. 5 times the

nos. of trees to be cleared, shall be planted in the project area so that loss of vegetation in the project site could be compensated.

- xii) The total cost of the project will be Rs. 23.20 crores.
- xiii) MCZMA has recommended the project vide letter no CRZ- 2017/CR 18/TC 4, dated 14.06.2017.

2. The Committee noted that there is a mismatch of the water requirement indicated, the capacity of STP and water re-use / recycling presented. The Committee therefore decided that a water balance diagram/chart/table shall submitted including relevant document to indicate reliable source of water requirement for the resort/hotel before action is taken on file.

3. Based on the deliberations held and clarifications provided, the Committee recommended the proposal for CRZ clearance subject to the following conditions:

- i) A 2% of the cost of the project shall be apportioned for environmental protection measures, to be spent by the project proponent during the currency of the project. Proper record and account of measures taken shall be maintained and submitted to the MCZMA every six months.
- ii) As committed by the project proponent, five times the no. of trees to be cleared, shall be planted in the project area and ensure that survival rate is not less than 85%. To this effect, the project proponent shall first survey and earmarked the number of trees to be felled in consultation with the Forest Department and formulate tree plantation scheme. No tree shall be cut without prior approval of the Competent Authority.
- iii) No construction (including cemented/concretised parking space for vehicles) shall be made in the NDZ area.
- iv) Management of solid waste in accordance with the Solid Waste Management Rules, 2016 shall be strictly implemented
- v) The project proponent shall examine possibility of installing solar Panels all along open spaces available and rooftops for generation of renewable energy.

3.4 Proposed Construction of Resort/Hotel on Plot Bearing No. 31/3, 35/1b,109/19,110/1, Mauje Chandranagar, Dapoli, Ratnagiri, Maharashtra by M/s Dajikaka Gadgil [F.NO.11-19/2018-IA.III]- CRZ clearance reg.

This item was not listed in the agenda but was taken up as the proposal is one of the three resort projects in same area and in close proximity to each other and the applications were submitted at the same time along with the applications of the other two items above. The Secretariat had inadvertently missed out accepting the proposal in the portal and the error was pointed out before the Committee during the course of presentation of the two items above. The project proponent stated that all the three resorts are not on contiguous land and there are other properties in between each and therefore applications has been made separately as advised by MCZMA. The Committee therefore agreed to consider the case as all three items can be appraised holistically.

2. The proposal of M/s Dajikaka Gadgil is for construction of Resort/Hotel at Plot Bearing No. 31/3, 35/1b,109/19,110/1, Mauje Chandranagar, Dapoli, Ratnagiri, Maharashtra. The project proponent made a presentation and provided the following information:

- i) The total Plot Area is about 85100.00 Sq.m and the built up area will be 15403.43 Sq.m.
- ii) The resort/hotel will comprise of a reception, restaurant, kitchen, spa unit, villa -3 (51 Nos) and villa -4 (24Nos).
- iii) The site falls under CRZ-III as per CZMP.
- iv) No diversion of forest land is involved.
- v) The FSI will be 0.21 and height of the resort less than 9m, as stipulated in CRZ Notification, 2011.
- vi) The CRZ map indicating HTL, LTL demarcation in 1:4000 scale with the proposed site superimposed on the map has been prepared by Indian Institute of Remote Sensing, Chennai.
- vii) The water requirement will be 64 KLD and it will be sourced from Gram Panchayat (Maharashtra Jeevan Pradhikaran Water Scheme).
- viii) Rainwater Harvesting system will be installed and Storage Tanks of capacity 10,000 litre at each villa for rain water collection will be set up.
- ix) Total power requirement will be 993.75 KWH, which will be obtained from the local authorities.
- x) Local and native plant species will be planted around the resort during green belt development.
- xi) The project site has around 500 small and medium trees and shrubs. Clearing the around 250 trees are proposed. However, it is advised that the villas should be adjusted in such a way that minimum trees should be disturbed. 5 times the nos. of trees to be cleared, shall be planted in the project area so that loss of vegetation in the project site could be compensated.
- xii) The total cost of the p-roject will be Rs. 41.75 crores.
- xiii) MCZMA has recommended the project vide letter no CRZ- 2017/CR 17/TC 4, dated 14.06.2017.

2. The Committee noted that there is a mismatch of the water requirement indicated, the capacity of STP and water re-use / recycling presented. The Committee therefore decided that a water balance diagram/chart/table shall submitted including relevant document to indicate reliable source of water requirement for the resort/hotel for records.

3. Based on the deliberations held and clarifications provided, the Committee recommended the proposal for CRZ clearance subject to the following conditions:

- i) A 2% of the cost of the project shall be apportioned for environmental protection measures, to be spent by the project proponent during the currency of the project. Proper record and account of measures taken shall be maintained and submitted to the MCZMA every six months.
- ii) As committed by the project proponent, five times the no. of trees to be cleared, shall be planted in the project area and ensure that survival rate is not less than

85%. To this effect, the project proponent shall first survey and earmarked the number of trees to be felled in consultation with the Forest Department and formulate tree plantation scheme. No tree shall be cut without prior approval of the Competent Authority.

- iii) No construction (including cemented/concretised parking space for vehicles) shall be made in the NDZ area.
- iv) Management of solid waste in accordance with the Solid Waste Management Rules, 2016 shall be strictly implemented
- v) The project proponent shall examine possibility of installing solar Panels all along open spaces available and rooftops for generation of renewable energy.

3.5 Repair/Renovation of Seaview Beach Resort and Palm Grove Cottages at Survey No. 242/1 in Calangute-Baga, Bardez, Goa by Ms Nalini da Rosa Fernandes - Post facto CRZ clearance - reg.

The proposal of Ms Nalini da Rosa Fernandes is for Post facto CRZ clearance for repair and renovation Seaview Beach Resort and Palm Grove Cottages at Survey No. 242/1 in Calangute-Baga, Bardez, Goa. The project proponent made a presentation and provided the following information:

- i) The structures were existing before the publication of the CRZ notification, 1991 and
- ii) The owner of plot size of 38925 sq.m at survey no. 242/1 were local dwellers for more than 200 years and the building was erected during 1941-1942 (bearing old survey no. 1375).
- iii) The first conversion of agriculture storage structures to tourist accommodation is reported in 1969 and the inauguration by the first Chief Minister of Goa was well documented in newspapers.
- iv) Between 1971 and 1986, two large storage buildings were reconstructed for accommodation of tourists, and between the buildings a cleaning facility for agricultural products was converted into a swimming pool.
- v) Early in 1990, an application by Fr. Mario Pires (deceased in 2013) was approved by the Town & Country Planning Department for repairing the roof construction of Mangalore tiles which had affected the entire 2nd floor by water leakage. The documents were found a few days ago in the church where he had worked as priest.
- vi) The documents show the two pre-existing buildings and the pool between them. The documents also proved that the roofs were sitting over the 2nd floor of the buildings.
- vii) Two-dimensional measurements on the approved drawings are matching the time-resolved satellite images and evaluations of Remote Sensing Institute in Hyderabad, which naturally could not obtain the height.
- viii) Building plan structure with G+2 floors with FAR of 17.80% with existence of swimming pool prior to 1991.
- ix) In 1990, the roof tiles were replaced by metal sheets, and the water damage to plaster, paint, tiles and wood on the 2nd floor in and outside the rooms was repaired.

- x) Repair and renovation of first and ground floor were started, in tune with financial resources available from the tourist business.
- xi) After the 1991 notification, the repair and renovation activities on ground + 1 in pre-existing structures were permissible activities, but would have formally required prior approval by the GCZMA. However, between 1991 and 1996, a Goa Coastal Zone Management Plan was unavailable.
- xii) In 2003, an application for regularization of the repair and renovation work carried out earlier was submitted to the Calangute Panchayat who forwarded the documents to GCZMA for obtaining an NOC.
- xiii) In 2005, after a personal hearing the GCZMA recorded in the minutes that regularization was possible after confirming the structures to be outside 200 m from HTL. At that time, and official HTL for the Calangute coast was not available and the designated Authorities approached, were not willing to carry out the demarcation for a private person.
- xiv) Despite many reminders and substantial efforts over many years, the HTL demarcation line from a designated Authority (Institute of Remote Sensing, Chennai) became available only, in June 2018, confirming the closest distance of the structures to the HTL to be 202.9 m.
- xv) The site falls under CRZ-III as per CZMP.
- xvi) GCZMA has recommended for action by the MoEFCC vide its letter no GCZMA/N/18-19/19/531, dated 19.06.2018.

2. The project proponent informed that GCZMA having confirmed after examination of its case has noted as follows: "The original application for regularization of repair and renovation of existing structures has been pending before GCZMA since 2003. As per records submitted by the applicant which includes demarcation of the HTL and structural mapping carried out by the authority through RSI 2006, the structure was ascertained to be existing beyond 200 m and in existence prior to 1991."

3. The project proponent further informed that GCZMA however in its letter issued on 19.06.2018, made an observation as follows: "However based on the documents made available, the Authority could not ascertain the building plan (area floors and number of flats) of structure existing prior to 1991. The applicant has submitted a building plan of a structure with G+2 floors with FAR of 17.8 %. Further, existence of swimming pool prior to 1991 could not be confirmed which is present in the plan for regularization. As G+2 structure is not permissible in CR-III area and considering the fact that height and area of the structure existing prior to 1991 could not be ascertained, the authority in its 176th meeting held on 22.06.2018 resolved to refer the above application to Ministry of Environment, Forest and Climate Change (MoEF&CC) for an appropriate decision."

4. The project proponent in support of its argument provided a letter dated 02.02.1990 from Goa State Town & Country Planning Department, bearing letter no. DB/4820/TCP-90/202, approving therein, the proposal for repair and renovation of the said structures. In addition, the project proponent submitted a building plan dated 02.02.1990 authorised by Town & Country Planning Dept. also indicate a 2 story structures G+2 floors with the swimming pool in between. The project proponent also

produced a map from the Remote Sensing Institute, Hyderabad, prepared through satellite imagery confirming that the structure existed prior to 1991.

5. The project proponent also informed that they have approached the Hon'ble Supreme Court for a relief and the matter bears SLP No. 12032-12035 of 2018. The Hon'ble Supreme Court in its hearing on 17.05.2018 have issued notices to all concerned with a direction that status quo as it exists today shall be maintained by parties. The matter is pending for disposal.

6. Based on the documents produced, the Committee observed that prima facie this seem to be a case of a genuine lapse of procedural compliance and the project proponent have made every effort to get regularisation done. The Committee appreciated the efforts made by the project proponent in collating documents pre-dated 1990 and others in an effort to establish the perspective of the case in a transparent and upfront manner. Based on the material available before it, the Committee decided that Post-Facto CRZ clearance of the instant matter merits consideration and therefore recommended that the Ministry may proceed with granting Post Facto CRZ clearance.

There being no other agenda item, the meeting ended with a vote of thanks to the Chair.
