

**Minutes of the 155<sup>th</sup> meeting of Expert Appraisal Committee for projects related to Infrastructure Development, Coastal Regulation Zone, Building/Construction and Miscellaneous projects held on 30<sup>th</sup> December, 2015 at Teesta Hall, Vayu Wing, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-3**

**1. Opening remarks of the Chairman**

**2. Consideration of proposals**

**2.1 Mumbai Trans Harbour Sea Link (MTHL) by Mumbai Metropolitan Region Development Authority - CRZ Clearance - [F. No.11-65/2012-IA-III]**

2.1.1 Hon'ble National Green Tribunal (WZ) at Pune, vide their order dated 15<sup>th</sup> October, 2015 in Appeal No.4/2013 has set aside the CRZ clearance dated 19<sup>th</sup> July, 2013 accorded to the above project by the Ministry with the direction to remit the matter to MoEFCC to consider it afresh. The Hon'ble Tribunal has ordered to examine the impacts of the project on mangroves eco-system, habitat of flamingos, mudflats besides other impacts. They have also directed to ascertain whether provisions of the EIA Notification, 2006 are applicable to the said project. Directions have been given to MoEFCC to take decisions independently on merit in eight weeks, and CRZ clearance given to the project by MoEFCC has been kept in abeyance for six (6) months.

2.1.2 In compliance of the directions of Hon'ble NGT, the proposal was considered by the EAC in its meeting held on 22-23 December, 2015. During appraisal, the committee had observed/noted the following:-

(a) The project was first accorded Environmental Clearance under the CRZ Notification, 1991 and the EIA Notification, 1994, vide letter dated 11<sup>th</sup> March, 2005. However, the project could not take off within the validity period of 5 years of the EC due to irrational offers received from bidders. Subsequently, the CRZ clearance dated 19.07.2013 was issued under CRZ Notification, 2011 after taking into consideration the submissions of the project proponent that the proposal is to construct sea link and it does not attract the provisions of EIA Notification, 2006.

(b) A presentation was made by the project proponents and the consultants on the construction methodology and the Environment Management Plan. It was informed that the BNHS, an expert institution, has been engaged for addressing various aspects on environmental management, especially related to migratory birds and other issues.

(c) The Committee took note of the construction methodology on mud flats through construction of temporary jetty as well as pile driving in the sea portion. The Committee directed the project proponent not to undertake any blasting/construction activities during night hours and also asked the PP to re-work Rs.320 crores Environment Management Plan with greater emphasis on environment management, disaster management and rehabilitation, if any. The PP agreed to do the same by the next hearing.

(d) The Committee also noted the observations of the MCZMA, while recommending the proposal on 26<sup>th</sup> November, 2015 after deliberations during their 107<sup>th</sup> meeting held on 7<sup>th</sup> November, 2015, stipulating many conditions for compliance by the project proponent, along with additional mitigation measures now proposed by the PP.

(e) The Committee observed that the issue involves two broad aspects. Firstly, the procedural aspect of the case relating to application of various laws and notifications there under relating to environment clearance, CRZ clearance and the requirement of applicability of the EIA, Notification, 2006. Secondly, the impact as well as mitigation measures relating to mudflats, mangroves and migratory/resident birds and marine life have to be examined.

*During the meeting, the EAC observed that:-*

- *The legal and procedural aspects of the case may be examined by the Ministry and appropriate directions given to the Committee. However, the Committee will examine environmental impacts of the project and their management and mitigation aspects.*
- *The project proponent will revise the environmental management plan with greater emphasis on environment management, disaster management and rehabilitation, if any.*

*In view of the above mentioned observations, the Committee deferred its decision.*

2.1.3 As desired by the EAC, the project proponent presented the EMP in the next meeting, with the details as under:-

<b>S. No.</b>	<b>Environmental attribute</b>	<b>Remark</b>	<b>Cost (in Rs.)</b>
1.	Environmental Monitoring- Air Act, Water Act, Noise levels	Air Noise Water-Marine and Land Solid waste Ecology and Eco-system Fishing etc-Quarterly during CP	8 crore
2.	Compensatory Mangrove Restoration Plan	With the help of Forest department	25 crore
3.	Implementation of the suggestions given by BHNS	In accordance with their report	25 crore
4.	Noise barriers	Along 4.5 x 2 = 9 km stretch abutting mudflats where flamingos gather	45 crore
5.	Mitigation of marine water pollution caused due to the surrounding industries and Sewage from Urban Bodies, by providing Funding and Capacity Building for Enabling Effluent Treatment	Identifying sources, treatability report, implementation of restoration and ETP	40 crore
6.	Contribution to Mangroves Fund, an initiative by Govt. of Maharashtra for Conservation and Protection of Mangroves in Coastal areas by depositing Seed Money. This can be used for Survey & Demarcation of Notified areas; Purchase of vehicles and equipments for anti Encroachment drives, etc	In accordance with their report this money will be deposited with GoM for restoration, conservation and Protection of mangroves in coastal areas	25 crore
7.	Oil Spill Mitigation Plan	State of the air Oil Spillage mitigation equipment, etc	10 crore
8.	<ul style="list-style-type: none"> <li>• Habitat quality assessment and monitoring</li> <li>• Surveillance management and monitoring team for migratory birds, marine flora, turbidity in sea floor, etc</li> </ul>	Carrying out detailed habitat quality monitoring of mudflats, migratory birds, marine flora and fauna and surveillance study	20 crore

	<ul style="list-style-type: none"> <li>Corpus fund for mudflat restoration program</li> </ul>		
9.	Appointment of Bird Monitor and his assistant till Restoration of Baseline data	Monthly monitoring during CP and Seasonal monitoring during OP	4 crore
10.	DMP, Fire fighting, Risk Analysis	Necessary equipment, Quick Response Vehicles etc for implementation of the detailed DMP	15 crore
11.	Sustainable development including establishing Nature Interpretation Centre	Establishing a centre for training and workshops at schools and college level	10 crore
12.	Safety and Security	It includes setting up safety measures and security measures including telecommunication systems, safety boats, wireless communications etc for emergency	15 crore
13.	Energy conservation	To use LED, Solar lamps on the bridge, ROW's etc	10 crore
14.	Landscaping-Plantation of trees, flowering plants etc.	Along the entire bridge alignment	8 crore
15.	Compensation and Capacity Building of Fisher folks due to Temporary and Permanent Loss of Fishing ground	Compensating affected fisher folk community welfare, etc	75 crore

2.1.4 During the meeting, the EAC deliberated on the proposal vis-a-vis the observations of NGT and the related perspective. The specific observations were made in respect of the following:-

(a) **Project of public importance**

The project proponent explained that the primary purpose of the project is to ease congestion and reduce pollution by providing an alternate road link. The project shall result in faster and easier flow of traffic, reducing traffic congestion on the mainland. In fact the proposal would obviate the necessity of the people travelling to Navi Mumbai and further to Pune, Goa etc, and also eliminate the unnecessary traffic flow of traffic into Mumbai city and Navi Mumbai. The proposed sea link will act as a bypass. The sea link shall also provide direct connectivity between MbPT and JNPT for any transshipment and other purpose. It will also provide access to the new proposed international airport at Panvel/Navi Mumbai.

(b) **Applicability of EIA Notification, 2006**

The project proponent explained that the proposal does not require environmental clearance, but only CRZ clearance in terms of clause 8 of the CRZ Notification, 2011, which specifically mentions construction of Trans Harbour Sea Link without affecting the tidal flow of water between LTL and HTL. The committee observed that the construction of the Trans Harbour Sea Link through a road on stilts and pillars would not affect the tidal flow of water. Further, the project proponent assured that there are no permanent

foreshore structures proposed, and hence, the project may not be considered under the ambit of the EIA Notification, 2006.

The Committee also took cognizance of the directions of NGT, Principal Bench, New Delhi vide their order dated 12<sup>th</sup> February, 2015 in O. A No. 137/2014 holding that '*construction of a bridge or similar activity covering a build up area  $\geq 1,50,000$  sq.mtrs. and/or covering an area of  $\geq 50$  hectares, would be covered under Entry 8(b) of the Schedule to the Regulations of 2006*' and desired that the Ministry may take an appropriate view in this regard.

(c) **Environmental Management Plan - Impact on mudflats/mangroves/migratory birds**

- The Project Proponent mentioned that there are 15 components of the Environment Management Plan, costing around Rs.335 crore. The Metropolitan Commissioner, MMRDA, on a specific query by the EAC, assured that funding will not be a constraint for any mitigation measures proposed in the BNHS proposal, as environment issues would be given top priority.
- As contained in the CRZ Notification, 2011, the loss of mangroves shall be compensated by plantation of five times the mangroves destroyed during construction, and also to the satisfaction of the competent authority.

(d) **Others**

- The Committee noted the undertakings given by the project proponent on various aspects of environment management, and observed that there is almost no likelihood of increase in human interventions in the CRZ area, particularly because there would be no traffic access to the sea link within the CRZ area.
- The project proponent explained the navigation span under the sea link within the jurisdiction of JNPT, which would be controlling the safe movement of sea traffic. They were advised by the committee to take the JNPT on board for the safe movement of vessels under the sea link.
- In respect of monitoring of the quality of sea water in the area, State Pollution Control Board is expected to do online monitoring of that area especially during construction period. The project proponent shall submit regular environmental monitoring reports on quarterly basis.
- The project proponent shall install noise barriers in 9 km stretch (4.5 km on both side of sea link) abutting mudflats where flamingos gather.
- The project proponent assured the Committee that as far as possible prefab structures is used for construction.

2.1.5 *The EAC, after deliberation, recommended for granting approval to the project under the CRZ Notification, 2011 subject to the following conditions:*

- *All terms and conditions stipulated by the MCZMA in their letter dated 26<sup>th</sup> November, 2015, while recommending the proposal to this Ministry, shall be strictly complied with.*
- *The terms and conditions as mentioned in the earlier CRZ clearance dated 19<sup>th</sup> July, 2013, shall also be complied with in letter and spirit.*

- *The Environment Management Plan as presented during the meeting shall be implemented in consultation with all the stakeholders.*
- *Regarding applicability of EIA Notification dated 14<sup>th</sup> September, 2006 to the project, the Ministry may examine the matter further in the light of observations of the Committee mentioned above.*
- *The project/activity shall be carried out strictly be in accordance with the provisions of CRZ Notification, 2011, and shall not affect the coastal ecology of the area including flora and fauna.*
- *The PP shall obtain all permissions from concerned authorities prior to commencement of the project, and shall observe all safety requirements onshore and offshore.*