

A MINUTES OF THE 196thMEETING OF EXPERT APPRAISAL COMMITTEE FOR PROJECTS RELATED TO COASTAL REGULATION ZONE HELD ON 31st AUGUST, 2018 AT INDIRA PARYAVARAN BHAWAN, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, NEW DELHI.

The 196thMeeting of the Expert Appraisal Committee for projects related to Coastal Regulation Zone was held on 31.08.2018 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.V.K Jain	-	Member
3.	Shri T.P. Singh	-	Member
4.	Dr. N.K Verma	-	Member
5.	Dr.Manoranjan Hota	-	Member
6.	Dr. Anil Kumar Singh	-	Member
7.	Dr. Mohan Singh Panwar	-	Member
8.	Shri. N.K. Gupta	-	Member
9.	Shri Sanjay Singh	-	Member

Dr. M.V. Ramana Murthy, Shri. Prabhakar 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 date of the minutes of the 194thmeeting in the 1st para has inadvertently mentioned as 26.06.2018 instead of 27.07.2018 and the changes may be made. The minutes were found to be otherwise in order and therefore the Committee confirmed the same.

3.0 CONSIDERATION OF PROPOSALS:

3.1 Proposal for Silver Waves Resort and Spa, District Daman, State Daman and Diu by M/s Shri JAYANTI D TANDEL- [F.NO.11-21/2018-IA.III]- Post Facto CRZ Clearance - reg.

The proposal of Shri Jayanti D.Tandelis for Post facto CRZ clearance for a resort/hotel viz. Silver Waves Resort and Spa, District Daman, State Daman and Diu. The project proponent made a presentation and provided the following information:

- i) The total plot area is 8100 sq.m and built-up area is 4969.26 sq.m and situated within Daman Municipal Council limits.
- ii) The site falls under CRZ-II as per approved CZMP.

- iii) The FSI is 0.59 and the height of the building is 9.07 m.
- iv) Daman Municipal Council (DMC) has approved the plan and has issued final Completion Certificate No. 4/3-83/13-14/DMC/18-19/801, dated 26.06.2018.
- v) The resort consists of 84 Rooms, Conference-Banquet Hall, Restaurant, Kitchen, Swimming Pool, Health Club-Spa and Landscaped Banquet Lawns.
- 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) An STP of 90 KLD capacity is installed.
- viii) Organic Waste Composting facility having a capacity of 80~100 Kgs/day is also installed.
- ix) Total water requirement will be 128.5 KLD, out of which 45 KLD shall be met from recycled water from the STP. PWD Daman has sanctioned the water supply for 30KLD at present. In addition, the proponent informed that PWD Daman has approved supply of an additional 60 KLD from November, 2018 onwards.
- x) No ground water will be extracted.
- xi) Rain Water of about 7500 m³ will be recharged annually through the Rainwater Harvesting System already built in the project site.
- xii) At present there is a storage capacity of 400 m³ of rain water which is about 8 day's storage during monsoons.
- xiii) Solid waste shall be managed strictly in accordance with the Solid Waste Management Rules, 2016.
- xiv) Total power requirement will be 600 KVA, which is already obtained from Daman Electricity Department.
- xv) A D.G set of 500 KVA will be installed for back-up power supply during load shedding.
- xvi) Local and native plant species are planted around the resort.
- xvii) Extreme care was taken not to cut the coconut trees and construction has been carried out around them.
- xviii) Use of natural lighting and ventilation, led bulbs, light sensors, energy meters, drip irrigation, automatic sprinklers for landscape are adopted in the project.
- xix) Environmental mitigation measures for this project will be adopted such that the project is a role model for other hotels/resorts in the area.
- xx) The total cost of the project is Rs. 30.0 crores.
- xxi) About 150- 175 direct employment will be generated, out of which at least 10% will be women and physically challenged.
- xxii) DDCZMA has recommended the project vide its letter No PCC/DDCZMA/DAMAN-47/2018-19/239, dated 27.06.2018.

2. The project proponent informed that his late father Shri DagiCangi belonged to the local fisherman community and had managed this property from 1961 till he passed away in 2007. Conversion of land to non-agriculture use from the state agency was received in 1993. Construction of resort was carried out after getting the plans approved in 2005-2006 and Completion Certificate bearing No. 4/3-121/05-06/DMC/11-12/3777, dated 20.12.2011 was issued by Daman Municipal Council. Thereafter, revised plans for installation of rain water harvesting system, STP, Pump Room and other resort amenities such as Swimming Pool, Gym and Spa were

approved in 2014. Final Completion Certificate was obtained in 2018. All other permissions such as Fire NOC, Tourism License, FSSAI & Excise are in place.

3. The project proponent further informed the Committee that it was noticed that although the project was permissible under CRZ Notification 2011, the mandatory CRZ clearance was not obtained due to the following reasons: (i) absence of any specific provision in CRZ Notification, 1991 for obtaining CRZ Clearances by the proponents for such projects; (ii) sheer lack of awareness of the CRZ regulations; (iii) misconception amongst local residents that construction in Municipal Areas does not require CRZ Clearances.

4. The project proponent further stated that despite incurring severe losses on account of interest burden they are not commercially operating the Resort and have instead preferred to apply for post facto CRZ Clearance as per S.O 1002(E), dated 06.03.2018 issued by the Ministry. The project proponent also informed that their application for seeking post facto CRZ Clearance was examined by DDCZMA in its meeting held on 22.06.2018 and recommended the proposal and referred it to DDCZMA for further action.

5. *The Committee was informed that as per amendment issued S.O 1002(E), dated 06.03.2018 issued by the Ministry, specific recommendation of the concerned Coastal Zone Management Authority regarding regularisation of such proposals and certifying that there has been no violation of the CRZ regulations while making its recommendation is required. The Committee perused the recommendation for regularisation issued by Coastal Zone Management Authority, Daman & Diu and decided that since these are administrative issues, the Ministry may take necessary decision on the matter. The Committee however decided that the Ministry may satisfy itself on the acceptability or otherwise of the recommendation of the CZMA in the instant matter before proceeding further.*

6. Based on the deliberations and clarifications made by the project proponent, the Committee agreed that the project is a permissible activity and its location is in consonance with the approved CZMP as indicated in the CRZ map prepared by IRS, Chennai and presented. The Committee also noted that the project will not prejudice the CRZ in the area and with dedicated environmental measures the project can set an example of good environmental jurisprudence. The Committee therefore recommended the proposal for Post Facto CRZ clearance from CRZ perspective 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 DDCZMA every six months.
- ii) Rain water harvesting shall be installed.
- iii) No ground water shall be withdrawn and existing bore wells shall be capped and concerned authorities informed.

- iv) The project shall be implemented as a role model for a resort in the area with a robust environmental conservation measures in place including use of solar energy, recycling of waste by way of installing sustainable Organic Converter etc.
- v) The project proponent shall examine possibility of installing solar Panels all along open spaces available and rooftops for generation of renewable energy.

3.2 Proposal for resort project at VarachaPatta, Guhagar, Ratanagiri, Maharashtra by Shri SUHAS M. PONKSHE and Shri Nitin M Ponshe[F.NO.11-22/2018-IA.III]-CRZ clearancereg.

The proposal of M/s Shri Suhas M. Ponshe and Shri Nitin M Ponsheis for a resort project at VarachaPatta, Guhagar, Ratanagiri, in Maharashtra. The project proponent made a presentation and provided the following information:

- i) The total plot area is 4070 Sq.m and the built up area of the resort will be 884.81sq.m.
- ii) The resort will comprise of cottages, suites, Administrative block and a club house.
- iii) The FSI will less than 0.33 and maximum height of the resort will be 7.57m (Ground +1 floor).
- iv) The project site falls under CRZ-III as per approved CZMP.
- v) The CRZ map indicating HTL, LTL demarcation in 1:4000 scale with the proposed site superimposed on the map has been prepared by National Centre for Sustainable Coastal Management (NCSCM), Chennai.
- vi) All development activities will be done beyond the NDZ i.e., 200 m from HTL.
- vii) Water requirement during operational phase of the resort will be 10 KLD, which will be sourced from Nagar Panchayat and water tankers.
- viii) No ground water will be extracted for operation of the resort.
- ix) Treated water will be used for flushing and gardening within the premises.
- x) An STP of capacity 10 KLD will be installed.
- xi) Segregation of wastes, both non-biodegradable and biodegradable throughout the operational phase of the resort will be carried out and recyclable waste will be handed over to the recyclers. The biodegradable wastes will be treated in an Organic Waste Converter (OWC).
- xii) Dried sludge from STP will be used as manure after treatment.
- xiii) Total power requirement will be 105 KWH, which will be obtained from the local authorities.
- xiv) A D.G set of 100k KVA will be installed for back-up power supply during load shedding.
- xv) The total cost of the project will be Rs. 2.0 crores.
- xvi) The employment potential during the construction phase will be about 30 workers per day and during operational phase 50 people will get employment in hospitality services.
- xvii) MCZMA has recommended the project vide letter no CRZ- 2017/CR- 149/TC 4, dated 16.02.2018.

2. The Committee deliberated the matter and observed that in so far as CRZ angle is concerned the project is a permissible activity and may not entail changes in the characteristics of the CRZ characteristics of the area.

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) Rain water harvesting shall be installed.
- iii) No ground water shall be withdrawn for operation of the resort.
- iv) As committed by the project proponent an STP of capacity 10 KLD will be installed.
- v) The project shall be implemented as a role model for a resort in the area with a robust environmental conservation measures in place including use of solar energy, recycling of waste by way of installing sustainable Organic Converter etc.
- vi) The project proponent shall examine possibility of installing solar Panels all along open spaces available and rooftops for generation of renewable energy.

3.3 Amendment of CRZ Clearance for Construction of Malad Sewage Treatment Plant and Ancillary facilities by M/s Municipal Corporation of Greater Mumbai (MCGM) at Malad, Maharashtra [F.NO.11-1/2016-IA.III]- CRZ clearance reg.

The Municipal Corporation of Greater Mumbai (MCGM) was accorded CRZ Clearance on 28th August, 2017 for construction of Malad Sewage Treatment Plant at Malad (W), adjacent to Malad Greek, Survey No. 2841 (Pt), Mumbai; (ii) Construction of Sewer Tunnel Phase-I from Don Bosco School Junction, Borivali (W) to Malad Waste Water Treatment Facilities at Malad and (iii) Construction of Sewer Tunnel Phase-II from Goregaon Pumping Station to Malad Waste Water Treatment Facilities at Mumbai, Maharashtra. MCGM has now requested for amendment of specific condition no.(x) which reads as follows:

"About 36 ha mangrove cover shall be required to be compromised for the construction of STP and associated input Sewer Tunnel. Accordingly, five times this area i.e approximately 180 ha shall be developed elsewhere in the region as committed by the project proponent."

2. MCGM has requested for an amendment of the above condition stating that this condition is not in-consonance with CRZ notification which stipulates provision of replantation of 3 times the no. of mangrove trees proposed to be cut or destroyed during construction process. MCGM further states that it would not be possible to obtain 180 Ha of land for replantation/development of mangrove trees and therefore

has requested modification/amendment of the aforesaid condition by replacing the condition of requiring 5 times the area i.e. approximately 180 ha to be developed by mangrove plantation/regeneration elsewhere in the region by 5 times the number of mangroves affected.

3. The request for amendment was earlier placed before the EAC (CRZ) in the 192nd meeting, but was declined. MCGM thereafter submitted vide their letter no. DMC/E/114/MC dated 21.07.2018 that 5 times the number of mangroves that will be cut from the project site can easily be replanted in the equivalent area of 35 ha land being provided by MCGM elsewhere in the region for compensatory afforestation as insisted by the Forest Department. It was further stated that there is a bald patch in the 35 ha land earmarked for the project work under reference, where there are practically no mangroves and therefore the actual number of mangroves required to be cut are less than the total number of mangroves computed to be cut over entire 35 ha land.

4. MCGM further informed that they have surveyed and counted the number of mangroves through an environment consultant under the guidance of APCCF, Mumbai Mangrove Cell. That according to the survey, the total number of mangroves required to be cut on 35 ha works out to be 25900 in numbers. That as per the norms of the Forest Dept. 4444 no. of mangroves can be replanted/planted per 1.0 Ha area. Therefore, the land required for the replantation of 5 times the no. of mangroves to be cut is only 29.14 Ha. It was also stated that MCGM is in process of providing 35 Ha land elsewhere in the region to Forest Dept. for compensatory afforestation, wherein more no. of mangroves can be replanted (as per norms of Forest Dept.) than that are actually required to be cut on MCGM land.

5. It was also informed that MCGM has already acquired 24 Ha of Govt. land suitable for mangrove replantation in the adjoining Thane district in consultation with Forest Dept., on payment of required land cost to the Collector (Thane) District and in turn the same has already been handed over to the Additional Principle Chief Conservator of Forest (Mumbai Mangrove Cell) for further process. Balance 11.0 Ha land is also being acquired in the same region from the Collector (Thane) and will be handed over to Forest Dept. shortly.

6. In view of above, MCGM has again requested to consider the amendment of the condition no.(X) part A (Specific Conditions) of CRZ clearance letter as follows:

“Project Proponent shall replant 5 times the mangroves proposed to be cut from project work site to suitable place elsewhere in the region in consultation of the Addl. Chief Conservator of Forest (Mumbai Mangrove Cell)”, instead of the words “Accordingly, 5 times this area i.e. approx. 180 Ha shall be developed elsewhere in the region as committed by Project Proponent”.

7. The Committee deliberated the request for reconsideration and observed that as an abundant precaution this Committee had also recommended that a mangrove conservation plan shall be developed in consultation with Mangrove Foundation of

Maharashtra or any institute of repute working in the field of mangrove conservation for the purpose of development/rehabilitation of mangrove. *Further, it was observed that the Committee had also recommended that the project proponent shall communicate schedule of work to the Ministry so as to facilitate a site visit to be under taken before actual cutting of the mangroves, so that suggestions/additional measures that may be necessary can be evaluated during the course of the project commencement.*

8. The Committee observed that the information now submitted by the project proponent has merits and the observation of the Committee while recommending the proposal for CRZ clearance was indeed for developing of 5 times the mangroves proposed to be diverted. The Committee taking note of the representation submitted to the Ministry therefore decided that the request can be considered and the needful may be carried out by the Ministry by appropriately making suitable amendment to the condition. The Committee reiterated that its earlier recommendation was for 5 times the no. of mangroves affected and therefore agreed that in view of the information now submitted the request can be considered and the Committee recommends accordingly.

3.4 Amendment of CRZ Clearance for widening and improvement of 2 Lane to 4/6 Lane of NH-47 from Cherthalai to Thiruvananthapuram, Kerala by M/s National Highway Authority of India-[F.NO.10-35/2010-IA.III]- CRZ clearance reg.

National Highway Authority of India (NHAI) was accorded CRZ Clearances in two parts viz (i) for widening and improvement of 2 Lane to 4/6 Lane of NH-47 from Cherthalai to Thiruvananthapuram, Kerala vide F.No. 10-35/2010-IA.III, dated 13.10.2014; and (ii) for development of 2-lane Alappuzha By-Pass of 608 km length and 2 lane By-Pass of Kollam of 13 km length on NH-47 vide F.No. 10-35/2010-IA.III, dated 30.12.2013, respectively. These projects are under the National Highway Development Programme Phase-III in the state of Kerala. The total road length of the project is 172.80 Km and will pass through three districts viz. Alappuzha, Kollam and Thiruvananthapuram. The road will also pass through CRZ areas at 13 locations and the total length in CRZ areas is about 19.816 Kms. The break-up in CRZ areas being as follows: (i) CRZ-IA: 30m; (ii) CRZ-IB: 20m; (iii) CRZ-II: 3319m; (iv) CRZ-III: 14486m; and (v) CRZ-IV: 2090m.

2.0 The matter was deliberated in the 192nd Meeting held on 26.06.2018, wherein, NHAI made a brief presentation and provided the following information:

NHAI has taken up to develop the above existing 2 lane stretch for a 4 lane configuration for a PRow width of 45.00m in 2 packages. The 4 laning from Cherthala – Oachira (KM 379/100- KM 465.00) as package –I (including Allapuzha Bypass having a length of 6.8 KM where the required land width of 45.00m was acquired by the State PWD before 20-30 years back). The 4 laning from Orchira – Trivandrum (KM 465/000 – KM 551/900) as package –II (including Kollam Bypass having a length of 13.00KM where the required land width of 45.00m was acquired

by the State PWD before 20-30 years back). Currently, the existing road is having a total width of 30m which has to be developed for a PRow width of 45.00m for 4 lane configuration. NHAI has appointed M/s ICT Pvt Ltd., New Delhi as the DPR Consultant for the above project and the alignment fixed by the DPR Consultant has been approved and the boundary stones were planted accordingly from NHAI. The CRZ clearance as per the alignment fixed by ICT has been accorded by the MoEF&CC vide ref (2) cited above. In the meantime, Ministry has accorded sanction for the formation of 2 lane bypass for Alappuzha and Kollam and this work was entrusted to the State PWD NH-Wing for which separate CRZ was accorded by the MoEF&CC vide ref (1) cited above segregating this bypass from the Package I & II prepared by ICT Pvt. Ltd., New Delhi. Although 3A(1) Notification as per NH ACT 1956 was necessitated twice. It was lapsed since the 3D survey could not be completed within the stipulated time due to high resistance from the public. Ministry has omitted this project i.e., from Cherthala – Trivandrum (KM 379/100-KM 551/900) from NHAI vide Gazette Notification No. 675(E) dt. 05.03.2014. (copy enclosed) and entrusted back to State PWD NH-wing. Now, again NHI has taken up this project for 4 laning for a PRow width of 45.00m and M/s SMEC India Pvt. Ltd., New Delhi was appointed as the new DPR Consultant for the above project. The alignment option submitted by NHAI has been approved by the State Government vide PWD-D2/27/2016-PWD dt. 01.02.2017 (copy enclosed). The alignment, is fixed in such a manner to have concentric widening (taking of land equally on both sides as far as possible) resulting in a small variation in the alignment already fixed by ICT Pvt. Ltd, New Delhi earlier. The balance portion of Alappuzha and Kollam Bypass for 2 lane is also incorporated in the package. As no new Bypass or re-alignment or new land acquisition in the CRZ areas are proposed, the project interception on CRZ area shall remain same.

2.2 The project is related to 4 laning of section of National Highway no. 47 (NH-47, new NH-66) from Chertalai to Thiruvananthapuram (from km 379.100 to km 551.900). The project road length is 172.8 km. It starts from km 379.100 of NH-47 at the junction of Thuravoor and ends at Kazhakottam junction at km 551.900. This stretch of road passes through three districts viz. Alappuzha, Kollam and Thiruvananthapuram. There are 88 built-up locations along the project road. The existing ROW along the project road is about 30m. There are 8 nos. of major bridges, 16 nos. of minor bridges, 165 nos. of culverts existing along the project road. The project road from Km 379.100 to 387.500 is 4-lane, whereas rest of the project road is 2 lanes. There are two under construction bypasses at Alappuzha and Kollam along the project road. It is proposed to develop the project road to 2x2 lane divided carriageway and service roads as per IRC guidelines having a ruling speed of 100kms per hour. The design length of the project shall be 170.56 kms. All existing major bridges, minor bridges and culverts will be retained/reconstructed to match the road configuration. Total 54 nos. of new culverts have been proposed. Apart from existing bypasses, a new bypass road is proposed for Attingal town. All bypass shall be constructed as 2x2 lane divided carriageway and service roads as per IRC guidelines. Two toll plazas are proposed at Km 409+000 in Alappuzha Bypass and Km 488+500 in Kollam Bypass. The project road is passing through Coastal Zone Regulation (CRZ) areas at 13 locations as submitted in CRZ status report prepared by Centre for Earth Science Studies (CESS) in 2010 (Report Attached). Based on this

study, the MoEF&CC had accorded two separate CRZ clearance for (i) improvement of 2 lane to 4/6 lane Cherthala – Kazhakkuttam Road except Alappuzha and Kollam Bypass vide letter dated 13.10.2014 and (ii) for construction of Alappuzha and Kollam Bypass vide letter dated 30.12.2013

2.3 NHAI also stated that the length of the road project in CRZ areas has increased from its earlier approval accorded from 19.665 km to 19.816 i.e by 0.151 km. In addition, there will be an addition of one minor bridge.

3.0 The Committee in the said 192nd meeting had deliberated and observed that while it agrees to the request for amendment and extension of validity sought in the national interest, it is unclear which items/contents in the existing CRZ clearances cited by the project proponent are required to be amended. The Committee therefore sought clarification on the contents of the CRZ Clearances issued earlier in 2013 and 2014, which require an amendment. The matter thus was deferred for further clarifications from project proponents.

4.0 NHAI vide its letter dated 10.08.2018 and 21.08.2018 submitted the details of the amendments required in the CRZ Clearances accorded on 30.12.2013 and 13.10.2014 respectively. Accordingly, the matter was again taken up and placed before the Committee. *The Committee deliberated the issue again and agreed that it stands with its earlier recommendation made in the 192nd meeting held on 26.06.2018 and decided that the Ministry may carry out the needful.*

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