

Minutes of 163rd meeting of Expert Appraisal Committee for projects related to Infrastructure Development, Coastal Regulation Zone, Building/Construction, Industrial Estate and Miscellaneous projects held on 9th September, 2016

1. Opening remarks of the Chairman.
2. Confirmation of the minutes of the 162nd meeting of the EAC held on 29-30 August, 2016 at New Delhi.

The EAC, having taken note that no comments were offered on the minutes of its 162nd meeting held on 29-30 August, 2016 at New Delhi, confirmed the same.

3. Consideration of Proposals

3.1	Widening and Improvement of 2-lane to 4/6 lane Highway of Bhavagar-Pipavav-Porbander-Dwarka Section of NH-8E in Gujarat by NHAI - CRZ Clearance - [F.No.10-12/2012-IA-III]
3.1.1	<p>The project was earlier considered by the EAC in its 162nd meeting held on 29-30 August, 2016 wherein the EAC noted that the proposal was placed before it earlier and it had given its recommendation many months earlier in its 154th meeting held in December, 2015. A sub-committee had visited the project site also and given its report.</p> <p>While processing the matter for approval of the competent authority, some comments were made by the CRZ Division, reproduced as under:-</p> <ul style="list-style-type: none"> (i) There shall be no impact on turtle habitat, which is on sea phase. (ii) Measures shall be taken to contain surface run-off from the land sites and it should be disposed off as per the guidelines of concerned SPCB. There shall be no discharge of sewage, oily waste and other liquid waste into marine environment. Adequate system for collection, treatment and disposal of such waste shall be provided. (iii) Establishment of labor camps, construction plants and machinery shall be away from ecological sensitive locations. <p>In view of the above observations, it was desired to take the proposal again to the EAC.</p> <p>During the meeting, the EAC sought a clarification of the term 'sea phase' in the comment of CRZ Division at 3.1.1 (i) above, and whether its implication was on the sea or on land, before considering the implication of the same on its recommendation.</p> <p>The Committee was of the view that it may not have any objection to any additional conditions, recommended by the Ministry in its own wisdom, generally, as long as these are not in contradiction with the Committee's earlier recommendations. Normally, a matter may be placed before the Committee again, if there are any significant, substantive or obvious contradictions.</p> <p>The EAC desired that the matter may be placed before the EAC in an urgent meeting on 9th September, 2016, along with any other urgent item.</p>

3.1.2	The Member Secretary informed the EAC about the provisions of the EIA Notification, 2006, for reconsideration of the proposal by the EAC. Accordingly, EAC is to consider the observations of the regulatory authority and furnish its views on the same. The decision of the regulatory authority after considering the views of the EAC shall be final and conveyed to the applicant by the regulatory authority.																														
3.1.3	<p>The EAC opined that the proposal deserves reconsideration by it in the light of the observations of the regulatory authority.</p> <p>During the meeting, the Committee noted that the term 'sea phase' is reflected in the recommendations of GCZMA as a part of the commitment of the project proponent (M/s NHAI) itself. It was further informed that the CRZ stretch falling in CRZ-IA (340 m) and CRZ-IVB (896 m) in a total length of 1.236 km is rich in turtle nesting, with the chainage details as under:-</p> <table border="1" data-bbox="411 680 1230 987"> <thead> <tr> <th rowspan="2">S. No.</th> <th rowspan="2">Turtle nesting location</th> <th colspan="2">Chainage</th> </tr> <tr> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Gorser-Chingaria</td> <td>338+515</td> <td>338+715</td> </tr> <tr> <td>2.</td> <td>Bhansara-Gorser</td> <td>341+150</td> <td>341+350</td> </tr> <tr> <td>3.</td> <td>Untda-Balej</td> <td>353+825</td> <td>354+025</td> </tr> <tr> <td>4.</td> <td>Gosabara-Narwai</td> <td>367+205</td> <td>367+405</td> </tr> <tr> <td>5.</td> <td>Navibandar-Ratia</td> <td>371+110</td> <td>371+310</td> </tr> <tr> <td>6.</td> <td>Odadar-Gosabara</td> <td>376+680</td> <td>376+880</td> </tr> </tbody> </table> <p>The EAC was sanguine about the conservation of these identified turtle nesting stretches/locations, and suggested the provision of trespass proof and corrosion proof barrier/fencing along these stretches, and marking these zones as no stay/halting or camping zone. The EAC also felt that the project proponent provides effective barriers along the vulnerable patches of the highway which face the sea and have no habitation. These eco-sensitive and vulnerable portions have to be protected from aesthetic and other forms of destruction.</p>	S. No.	Turtle nesting location	Chainage		From	To	1.	Gorser-Chingaria	338+515	338+715	2.	Bhansara-Gorser	341+150	341+350	3.	Untda-Balej	353+825	354+025	4.	Gosabara-Narwai	367+205	367+405	5.	Navibandar-Ratia	371+110	371+310	6.	Odadar-Gosabara	376+680	376+880
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3.1.4	<i>The EAC, after deliberations, confirmed the observations of the regulatory authority to be incorporated as additional conditions in the EC/CRZ clearance as reflected in para 3.1.3 above.</i>																														
3.2	Development of Multiproduct SEZ and Free Trade Warehousing Zone (FTWZ) at Layja Mota in District Kutch (Gujarat) by M/s Sea Land Ports Ltd – For further consideration of Environmental and CRZ Clearance – [F.No.21-68/2011-IA-III]																														
3.2.1	<p>The project was earlier considered by the EAC in its 162nd meeting held on 29-30 August, 2016 wherein the EAC noted the details as under:-</p> <p>(i) The project envisages development of Multi-product SEZ/Free Trade and Warehousing Zone (FTWZ) & Domestic Tariff Area (DTA) with 4000 MW coal based TPP, 60 mld desalination plant, 2000 MW gas based Combined Cycle Power Plant, other industrial units and non-processing area with supporting/social infrastructure, utility corridor in a total area of 3473 acres at Layja Mota village in District Kutch (Gujarat).</p> <p>(ii) The dedicated utility corridor, about 8.5 km long, 60 m wide and covering an area of 124 acres, is planned from SEZ boundary to the proposed shipyard cum</p>																														

jetties site at Naya Layja coast.

(iii) The utility corridor shall cater to coal conveyors, LNG pipeline, power evacuation tower, intake/outfall pipeline, waste water conveyance pipeline, road etc.

(iv) The ToR for the project 'Development of Multi-product SEZ and Free Trade and Warehousing Zone' was granted by this Ministry on 5th March, 2013 valid for a period of 2 years. Its validity period was later extended upto 4th March, 2017.

(v) The Ministry has accorded EC to 'Supercritical Thermal Power Plant of 3960 (6x660) MW' at village Layja Mota, Mandvi Taluk in District Kutch (Gujarat) vide letter dated 26th June, 2015 in favour of M/s Nana Layja Power Company Ltd based on the recommendations of the sectoral EAC. One of the specific conditions reads

'The activities attracting CRZ clearance shall only be initiated after obtaining prior CRZ clearance from the competent authority. A copy of the same shall be submitted to the Ministry and its Regional Office.'

(vi) As per the NIO report, the entire SEZ/FTWZ/DTA and utility corridor of about 7.8 km out of a total length of 8.5 km, fall outside CRZ area. The project associated facilities/ components falling under CRZ area are:

- Sea Water Intake pipeline, intake pump house, intake system - CRZ IV, IB
- Marine Outfall pipeline and diffuser system – CRZ IV, IB
- Utility corridor (UC) Consists of Coal conveyor ; NG pipeline, Transmission tower, Road, Intake Pipeline; Outfall Pipeline - CRZ III, IB and 1 A

(vii) The Gujarat Coastal Zone Management Authority (GCZMA) has recommended the project vide their letter dated 29th June, 2016.

(viii) Public hearing was conducted on 12th December, 2014.

(ix) The project proponent has relied upon this Ministry's OM dated 24th December, 2010 on procedure for consideration of integrated and inter-linked projects, and a common EIA report has been submitted covering impact of each of the component in a comprehensive manner after obtaining ToRs from each of the sectoral EACs.

During deliberations, the observations of the EAC included the following:-

(i) In terms of the requirement contained in para 4(i) of the CRZ Notification, 2011, the sectoral EAC was required to consider the proposal for grant of EC to the STPP of 3960 MW, inclusive of the intake and outfall facilities proposed for that, only after having been recommended by the SCZMA, and the same to be mentioned in the EC accordingly.

(ii) In terms of the Ministry's OM dated 24th December, 2010, public hearing was to be conducted based on the common EIA report so prepared, for each component as per the provisions of the EIA Notification, 2006. The project proponent were unable to clarify the same.

(iii) In terms of the above said OM, the proposals for EC in respect of all the sectoral components of the project were to be submitted simultaneously. The same has not been done in the instant case, and the proposals are at different stages.

	<p>(iv) The relevance of the said OM (project proponent has relied upon) for such projects also attracting the provisions of the CRZ Notification, 2011, needs to be looked into.</p> <p>(v) The concerns raised by the Conservation Action Trust regarding environmental impacts of the project, are serious, and need to be suitably addressed by the project proponent.</p> <p>(vi) The Committee appreciated the earnestness and diligence of the project proponent and the consultant, though it is a very complex proposal and would need clarity in the road map for granting clearance.</p> <p>The EAC, after deliberations, had desired that the Ministry may examine the proposal vis-a-vis the procedure detailed in the said OM, read with the relevant provisions of the CRZ Notification, 2011 to arrive at the appraisal mechanism to be followed in such cases. The project proponent was also asked to respond to the concerns of Conservation Action Trust through a parawise response. The proposal was deferred.</p>
<p>3.2.2</p>	<p>Initiating the discussions during the meeting, the EAC was informed about the appraisal mechanism of the instant mechanism involving SEZ (requiring EC under the EIA Notification, 2006) along with the intake and outfall facilities requiring CRZ clearance for the portion falling in CRZ area. The Committee was also informed that the proposal needs comprehensive examination from CRZ perspective.</p>
<p>3.2.3</p>	<p>After the presentation made by project proponent, especially highlighting their response in reply to the earlier observations of the EAC, the Committee noted the following:-</p> <p>(i) There are many legal entities who could be designated as project proponents, and are involved in developing the SEZ, Port, TPP, CCPP, and/or other identified industrial units. The different documents submitted reveal non-uniformity in this regard e.g. public notice issued by GPCB for conducting public hearing reflects M/s Sealand Ports Pvt Ltd as the project proponent, for CRZ mapping, the clients are named as M/s Sealand Ports Pvt Ltd, M/s Avash Logistic Park Pvt Ltd, M/s Nana Layja Power Company Ltd, whereas the ToR for the instant proposal has been issued in the name of M/s Sealand Ports Pvt Ltd, M/s Avash Logistic Park Pvt Ltd. This needs to be clarified appropriately.</p> <p>(ii) Since the proposal involves discharge of effluents also, the project proponent was required to apply to the GCZMA along with the 'No Objection Certificate' from the concerned SPCB. The same was not done.</p> <p>(iii) The public hearing was allowed to be conducted by Hon'ble High Court of Gujarat vide order dated 11th December, 2014. The project proponent should provide the final outcome of the same.</p> <p>(iv) The CRZ mapping in respect utility corridor, especially around the creek, is not correct and needs to be reviewed and authenticated by the authorised agency.</p> <p>(v) Since the proposal involves combined intake and outfall facilities for all the constituent units of SEZ, cumulative impact on the marine eco-system is of prime concern and needs in-depth deliberations. That necessitates ascertaining the</p>

	<p>pollution loads from the individual units along with the characteristics, and also a relook at the conditions stipulated in the EC by the sectoral EACs.</p> <p>(vi) In view of the fact that intake and outfall facilities remain an integral part of the Super Critical Thermal Power Plant, and accordingly, as required under the provisions of the CRZ Notification, 2011 read with section 8(v) of the EIA Notification, 2006, the EAC desired that the Ministry may examine if the EC for the TPP was to be granted after appraising the proposal from CRZ perspective also.</p> <p>(vii) The CRZ area around the utility corridor is having significant sand dunes, which needs to be visited for contouring and geo-morphological characteristics of the area. The Committee felt the necessity for an expert opinion in this regard through a site visit.</p> <p>(viii) A substantial part of the SEZ area and the complete area of 124 acres for the very crucial utility corridor, are yet to be acquired by the project proponent. In terms of this Ministry's OM dated 7th October, 2014, the project proponent were asked to submit copies of the State Government Notification for acquiring the Government land and the letters of intent or purchase agreements from the private land owners.</p>
3.2.4	The Ministry may examine the instant proposal for the adequacy and applicability of proposed environmental safeguards for the constituent units of SEZ and for which stand alone ECs have been issued or are in advanced stages without accounting for intake and outfall facilities. The Ministry may like to structure and schedule the sequence of presentations before the different EACs.
3.2.5	<i>The EAC, after deliberations, sought detailed clarification and inputs in respect of its observations contained in para 3.2.3 & 3.2.4 above. The proposal was, therefore, deferred.</i>

List of the Members

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| 1. | Shri Anil Razdan, IAS (Retd.) | Chairman |
| 2. | Dr. M.L. Sharma, IFS (Retd.) | Member |
| 3. | Sh. R. Radhakrishnan | Member |
| 4. | Dr. M.V. Ramana Murthy | Member |
| 5. | Dr. R. Prabhakaran | Member |
| 6. | Dr. Anuradha Shukla (CRR) | Member |
| 7. | Prof. (Dr.) Gourav Vallabh | Member |
| 8. | Dr. (Ms) Lekhasri Samantsinghar | Member |
| 9. | Shri S.K. Srivastava | Member Secretary |