

MINUTES OF THE 298th MEETING OF EXPERT APPRAISAL COMMITTEE FOR PROJECTS RELATED TO COASTAL REGULATION ZONE HELD ON 26th MAY, 2022

The 298th meeting of the Expert Appraisal Committee for projects related to Coastal Regulation Zone was held on 26th May 2022 at Teesta Hall, IPB, Ministry of Environment, Forest and Climate Change, New Delhi. The list of Members presents in the EAC (CRZ) is at **Annexure**.

The deliberations held and the decisions taken are as under:

2.0 CONFIRMATION OF THE MINUTES OF THE LAST MEETING

The Committee has noted that the Minutes of the 295th meeting held on 27th April 2022 are in order and confirmed the same with suggestions that in case any typographical/grammatical errors are noticed in due course, the same may be corrected suitably.

3.0 RECONSIDERATION OF PROPOSALS FOR CRZ CLEARANCE

Item No. 3.1

Development of marine infrastructure for laying emergency sea water intake pipeline for firefighting from Bocha Creek to WRPL for IOCL, Mundra, District Kutch, Gujarat by M/s Indian Oil Corporation Ltd.-CRZ Clearance regarding [IA/GJ/CRZ/259145/2022] [F.NO.11-09/2022-IA.III]

1. The project proponent informed the Committee that alternate arrangement for emergency water requirement has been made with M/s *HMEL (HPCL-Mittal Energy Limited)*. Accordingly, it was requested that the EAC may consider that the proposal for development of facility in CRZ area is withdrawn.

2. Deliberations in the EAC:

The Committee, taking note that alternate arrangement for emergency water requirement has been made by the PP and considering their request, recommended for withdrawal of project by the PP.

Accordingly, the proposal was **RETURNED** in its present form.

Item No. 3.2

Construction of out fitting jetty and floating dry dock with allied infrastructure along path finder inlet creek of Gulf of Kachchh lies between the two islands, Kalubhar Tapu and Narara Bet near DPT Jetty, Vadinar, District Devbhumi Dwarka, Gujarat by M/s Deendayal Port Trust-CRZ Clearance regarding [IA/GJ/CRZ/253940/2022, F.No.11-11/2022-IA.III]

The proposal was earlier considered and deferred by the EAC in its meeting held on 23rd March, 2022. The EAC noted that the project proponent has not made available

the EIA / EMP report alongwith other documents for appraisal of the Committee and deliberation on the proposal without a detailed examination of the project may not serve the purpose. The Committee desired that the proposal shall be examined at a later stage and the project proponent shall circulate the EIA / EMP report and mangrove and coral reef conservation plan and other requisite documents as per the Agenda.

1. The project proponent and their consultant made a detailed presentation of salient features of the project and informed that:

- (i). The proposal is for CRZ clearance to the project for out fitting jetty and floating dry dock with allied infrastructure along path finder inlet creek of Gulf of Kachchh, between Kalubhar Tapu and Narara Bet islands, near DPT Jetty, Vadinar, District Devbhumi Dwarka, Gujarat by M/s Deendayal Port Trust.
- (ii). The out fitting Jetty will be 500 m in length 12 m in width, approach Trestle from the existing structure will be 120 m in length and 10 m width. The proposed Outfitting jetty will have 300 Nos of Piles, with 1.0 meter diameter each. Spacing between piles will be 5 meter both transversely and longitudinally. Approach Trestles will have 48 numbers of pile of 1.0 meter diameter each. Spacing between piles will be 5 meter transversely and 5 meter longitudinally.

Structure	Zone	Length in m	Width in m	Number of piles	Foot print in m ²
Outfitting Jetty	Subtidal	500	12	300 of 1 m diameter	235.5
Trestle	Subtidal	120	10	48 of 1 m diameter	37.68
Total Foot print Area					273.2

- (iii). The proposed activity is in the CRZ-IV Area. Floating dry dock and outfitting jetty shall be located beyond the Eco sensitive zone of Marine National Park and Sanctuary.
- (iv). The Gujarat Coastal Zone Management Authority (GCZMA) has recommended the proposal for CRZ clearance vide letter No. ENV-10-2021-122-T dated 11/02/2022.

2. Deliberations in the EAC:

The EAC deliberated on the proposal. The Committee noted that the proposed facility is coming adjacent to the other oil terminals like M/s Nayara Energy / Oil Terminal, causing safety and risk issues to other facilities. The Committee also observed that Safety and risk along with modelling studies has to be carried out for effective assessment and management. The Committee also found various deficiencies in the proposal and desired for additional information / inputs. The Committee also desired that considering the importance of the project and requirement/commitment of the PP in various aspects of the project, a senior level officer from M/s Deendayal Port Trust may participate in the EAC

meeting. Considering the location of the project site adjacent to Ecologically Sensitive Areas and other oil terminal facilities, it was desired to have site visit by a sub-committee.

The Committee after detailed deliberation, desired for additional information/inputs in respect of the following:

- (i). Safety and risk assessment along with modelling studies.
- (ii). Construction methodology and safe guards for environment.
- (iii). Details of other reception facilities in the vicinity of the proposed project
- (iv). Solid waste management plan
- (v). Hazardous waste management plan
- (vi). Oil / Ballast / waste water management plan.
- (vii). Transportation Management
- (viii). Compliance / commitment of GCZMA recommendations
- (ix). Commitment that non-vegetated mud flat area shall not be used for mangrove plantation.

The proposal was accordingly DEFERRED for additional information.

MISCELLANEOUS PROJECTS

Item No. 3.3

Construction of a Hotel project in Survey No.71/1 of Velsao Village Goa by M/s Saldanha Developers Pvt. Ltd. – reg [F.NO.18-9/2005-IA.III]

1. The project proponent made a detailed presentation of the project and informed that:
 - (i). The proposal is for permission for work / extension of the validity of the CRZ clearance dated 8th May, 2006 as per the CRZ Notification, 1991 issued to project 'Construction of a hotel project' in Survey No.71/1 of Velsao Village Goa by M/s Saldanha Developers Pvt Ltd.
 - (ii). PP has informed that subsequent to grant of environmental clearance (CRZ) by the Ministry on 8th May, 2006, the Hon'ble High Court of Bombay at Goa, on 13th October, 2006 (in the matter of WP No. 422/1998 & WP/99/1999) *have issued directions pronouncing that "until the survey and inquiry is completed no new license for any type of construction in CRZ-III zone shall be issued or granted and no new structure of whatsoever nature shall be allowed to be constructed in the CRZ-III Zone".* It was also stated that the State Government shall *"identify the open plots in CRZ-III zone which are available for construction of hotels and to frame appropriate policy/regulation for utilization thereof".*
 - (iii). The restriction was lifted by the Hon'ble High Court of Bombay at Goa on the 10th June, 2011 based on the submission of the Hotel Policy 2011 by the Government of Goa & Goa CZMA.

- (iv). Thereafter, application was submitted by project proponent to the Town Planning Department on 04/10/2011, 25/02/2012, 10/07/2012 and 06/11/2012. The Goa Town Planning Department has sought clarifications on 05/12/2012 and 14/09/2015 from the Goa CZMA regarding consideration of the NOC issued by GCZMA vide No. GCZMA/S/90/1614 dated 19/06/2006 for issue of NOC for development for planning point of view.
- (v). The Government of Goa by note No. DH 4177/4/MTP- 2017/139 on 30/03/2017 has conveyed its approval for the hotel project and technical Clearance from Town Planning Department, Goa for carrying out work of proposed construction of Hotel project has been obtained on 9/05/2017. Permission for conversion of land obtained on 12/02/2018 and construction license was granted by the Village Panchayat for construction on 31/03/2018. However, based on the complaint received, the GCZMA has issued Show Cause Notice cum work stoppage order on 1st June, 2018 against the PP (M/s Saldanha Developers Pvt Ltd). The GCZMA has forwarded the matter and asked Ministry to decide the validity of the clearance issued in the year 2006.
- (vi). In response to the GCZMA letter dated 9th July, 2018 and subsequent communication dated 7th August, 2018, the Ministry vide letter dated 18/02/2020 has informed that the CRZ clearance dated 08/05/2006 has expired and the project proponent has reportedly started construction in 2017 without a subsisting clearance which constitutes violation of the CRZ regulations. Also, the project proponent has not availed the provision of post facto clearance issued by the Ministry vide Notification S.O.1002(E) dated 06/03/2018 for regularization of permissible projects in CRZ areas with certain conditions.
- (vii). The Goa CZMA vide letter dated 15th May, 2020 has requested the Ministry to reconsider the opinion rendered vide Ministry's letter dated 18/02/2020 on the above project.
- (viii). The project proponent has approached the Hon'ble High Court of Bombay at Goa (W.P No. 712 of 2021). The Hon'ble High Court vide order dated 5th April, 2021 has directed to dispose of the representation of the PP forwarded by the GCZMA vide letter dated 15th May, 2020 on its own merits and in accordance with law within four months. It was also mentioned to provide personal hearing to the PP.
- (ix). Personal hearing and meeting on the matter was held on 14/07/2021 and 02/08/2021 through Video Conferencing (VC). The Member Secretary Goa CZMA reiterated that the authority in its 223rd meeting held on 18/03/2020 supports the representation of the M/s Saldanha Developers Pvt. Ltd., and informed the Ministry for taking a holistic approach on account of peculiar circumstances which the project proponent was faced. It was observed that the matter is a procedural delay by Goa GCZMA and Town Planning Authority and the case may be considered as a special case and not as a precedent.
- (x). The PP has also presented the present environmental setting of the area.
- (xi). PP has requested that as CRZ clearance has already been granted by the Ministry vide letter dated 08/05/2006, and considering the orders of Hon'ble Court,

recommendations of GCZMA, the proposal may be considered as a special case and assured that the project will be completed within three years.

2. Deliberations in the EAC:

The Committee made detailed deliberation on the proposal. The Committee observed that the situation arises due to delay in taking decision by the State Government Authorities and not communicating the correct rule position by the regulatory authorities to the project proponent. The Committee noted that the Goa CZMA has recommended to the Ministry to consider the project as a special case and grant extension of the validity of the clearance. The Hon'ble High Court has also directed to consider the matter in its own merits and in accordance with law. The EAC also noted that the present Hotel Policy of Goa is not causing any impediments to the hotel project approved earlier by the State Government and MoEF.

The Committee also deliberated on the present environmental setting of the area. The Committee observed that no major changes happened to the CRZ area of the project site and no need further additional EIA report etc. The Committee appraised the status of the project and desired that the PP shall submit details regarding construction of project after issue of stop memo. The PP submitted an undertaking stating that no construction has been done after the receipt of the stop work order dated 01/6/2018. The Committee suggested to the PP that modular waste water treatment plan shall be followed and no waste water shall be discharged. The treated waste water may be used for gardening and flushing.

The Committee after detailed deliberations, taking into account the order of Hon'ble High Court, recommendations of the Goa CZMA and CRZ clearance granted by the Ministry vide letter dated 8th May, 2006, recommended for granting three years period for completion of the project as per the scope of the work envisaged in the CRZ clearance, as one time relief based on the submission of factual position at site, with all other terms and conditions remain unchanged.

Item No. 3.4

Deployment of Sample Artificial Reef Modules made of concrete in the Sea near Solai Nagar fishing Village, Puducherry -reg.

[F.NO.19-84/2020-IA.III]

The Member secretary informed the Committee that the Ministry has received communication from the Puducherry Coastal Zone Management Authority (PCZMA) seeking comments for deployment of Sample Artificial Reef Modules made of concrete in the Sea. It is informed that the Department of Fisheries and Fishermen Welfare, Government of Puducherry has sought opinion from the Puducherry CZMA for the deployment of sample Artificial Reef modules made of concrete in the sea near Solai Nagar fishing village by M/s Kuddle Life Foundation.

2. The MS, PCZMA has requested the Ministry to clarify whether the deployment of the Artificial modules will attract the CRZ notification 2011 and necessary statutory clearance has to be obtained from the PCZMA or MoEFCC, since this activity is carried out for the benefit of the fishing communities and for their livelihood, or whether the activity can be exempted from the purview of the statutory clearance considering the benefit of fishermen for their livelihood.

3. The project has been conceptualized for the purpose of livelihood enhancement of the fishermen. As per the proposal submitted by M/s Kuddle Life Foundation, for which comments were sought by the CZMA, sample artificial modules shall be first deployed on trial basis. Thereafter based on the outcome, eventual deployment will be undertaken. It is noted that 3 to 4 modules will be deployed in the sea bed at the identified site first. Each module weighs about 500 kgs and has a height of 3 ft, which is made of concrete. The modules will be deployed with the help of fishermen. The depth of the deployment site is 17.2 meters and distance from the shore is about 3.6 kms. After the trial, 200 to 400 modules of artificial reef will be deployed forming one artificial reef. It is stated that the reef will help the fishermen with increase in fish catch and enhance their livelihood.

4. The Ministry has sought the comments of NCSCM. The NCSCM vide email dated 30.04.2022 has mentioned that as per the CRZ Notification 2011/2019, activities impugning on the sea and tidal influenced water bodies will be regulated and permitted or regulated project activities attracting the provisions of this notification shall be required to obtain CRZ clearance prior to their commencement.

5. In the present case of deployment of sample artificial reef modules made of concrete in the sea, a rapid assessment of the possible impact of the concrete material used and the presence of the artificial reef on the marine environment and a monitoring program including ecological, socio-economic and fishery aspects to evaluate the reef's after-effects after the deployment, are required as part of the CRZ clearance process.

Thus, prior CRZ clearance is required for deployment of sample artificial reef modules made of concrete, in the sea near Solai Nagar fishing village, Puducherry.

6. In view of the above, it was desired to obtain the comments of the EAC.

2. Deliberations in the EAC:

The Committee made detailed deliberations of the proposal. The Committee noted that the Ministry had issued CRZ Notifications, with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, and to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas and sea level rise due to global warming. As per para (8) (IV) of the CRZ Notification, 2011, in CRZ-IV areas, the activities impugning on the sea and tidal influenced water bodies will be regulated except for traditional fishing and related activities undertaken by local communities. The proposed activity is for enhancing the fishery resources in the sea and is being practised in the coastal areas since many years.

The Committee after detailed deliberations noted that the proposed activity does not require any prior permission as per the CRZ Notification, 2011. However, in order to avoid

conflict between other activities, the concerned CZMA may issue general guidelines for undertaking such activities with the following terms and conditions:

- (i). The artificial modules/structures shall not be deployed in or over the natural living coral reef or seagrass areas, if any.
- (ii). These structures shall not hinder the navigational channel or the monitoring stations/units deployed in the sea.
- (iii). The CZMA/Fisheries Department undertake monitoring and analyse the changes in biodiversity/fisheries and seabed morphology after complete deployment through necessary studies.
- (iv). There shall be encouragement for use of green artificial modules/reef structures to utilize marine resources in a sustainable way.

4. Any other item with the permission of the Chair.

The meeting ended with a Vote of Thanks to the Chair.

Annexure

List of the Expert Appraisal Committee (CRZ) Members participated during Video Conferencing (VC) Meeting held on 26th May 2022.

S. No.	Name of Members	Designation
1.	Dr. Deepak Arun Apte	Chairman
2.	Prof. Mukesh Khare	Member
3.	Shri Manmohan Singh Negi	Member
4.	Shri S. Jeyakrishnan	Member
5.	Dr. J. Chandra Babu	Member
6.	Shri. R.P.S Verma	Member
7.	Dr. H. Kharkwal	Member Secretary
MoEF&CC		
8.	Dr. Nobi E. P	Scientist 'B'
