

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 2285 2696
e-mail : mahamczma@gmail.com

No. CRZ 2015 /CR 236/ TC 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment Department, 15th floor, New
Administrative Building, Mantralaya,
Mumbai- 400 032.
Date: 26th November, 2015

To,
Director (IA-III), Coastal Zone Regulation,
Government of India,
Ministry of Environment, Forests & Climate Change,
Indira Paryavaran Bhavan,
Jor Bagh Road, New Delhi - 110 003.

Subject: Proposed Mumbai Trans Harbour Link (MTHL) project by
Mumbai Metropolitan Regional Development Authority
(MMRDA)

The proposal of Mumbai Trans Harbour Link (MTHL) project by Mumbai Metropolitan Regional Development Authority (MMRDA) was considered in 107th meeting of the MCZMA held on 7th November, 2015.

2. The Additional Metropolitan Commissioner, MMRDA presented the proposal of Mumbai Trans Harbour Link (MTHL) before the Authority, in light of judgment dated 15.10.2015 of the Hon. NGT, Western Zone, Pune given in the appeal no. 4/2013. He stated that the NGT, Pune has set aside the CRZ clearance accorded to the said project by MoEF, New Delhi with a direction to remit the matter to MoEF to consider it afresh. The NGT, in particular has ordered to examine the impacts of the project on mangroves ecosystem, habitat of flamingos, mudflats besides other impacts. Hon. NGT has also directed to ascertain whether provisions of EIA Notification, 2006 are applicable to the said project. He further stated that directions have been given to MoEF to take decision independently on merit in eight (8) weeks and CRZ clearance given to the project by MoEF has been kept in abeyance for six (6) months.

3. The MMRDA officers presented the proposal before the Authority covering issues like impacts on flamingos, mudflats, mangroves, fisheries etc. and mitigation measures along with Environmental Management Plan. It was stated that Salim Ali Centre for Ornithology and Natural History has carried out studies on Flamingos and other migratory birds in the Sewri-Mahul and Nhava Mudflats in the Dec, 2008 and suggestions / observations of the report would be complied with during construction & operation phase of the project. He also informed that MMRDA has formulated a committee to assess the impact of the proposed activity on fishing communities and compensatory policy for them. Rapid Environment Impact Assessment report prepared in the year 2012, Coastal Zone Management plan prepared by IRS, Chennai, mitigation measures proposed by IRS, Chennai and report of CWPRS pertaining to the hydrodynamics is submitted.



4. The MCZMA noted that as per the CZMP, the 22 Km long & six lane carriages MTHL project passes through CRZ I, CRZ II and CRZ IV. The Sewri end of the 1.5 km alignment having chainage 1.0 to 2.5 Km passes through mudflats, sparse mangroves and abuts the flamingos breeding site. Further it was stated that the Nhave end of the 0.6 km alignment having chainage 16.98 to 17.5 km also passes through mudflats and sparse mangroves. As per the report, 14.48 km (66%) alignment falls in creek water, 2.1 Km (12%) passes through mudflats and 4.92 km (22%) alignment is on land. CRZ I areas particularly Sewri mudflat and shivaji nagar mudflat are ecological important. The mangroves area affected at Sewri end is 576 Sqm and is 9306 Sqm at Chirle side of the proposed Sea link.

5. During presentation on EIA report & other documents, the Authority observed that typically major construction work will be done in sea area by water transportation. The approach jetties at the two ends will be in the form of piled jetties falling less obstruction to water flow. Large number of precast units will be used. As regards to CWPRS report, it was noted that i) the hydrodynamic model was well validated with actual tide, current observations ii) the centre to centre distance between two piers is large (typically 50 meters) causing minimum obstruction to the flow. Further, only small reduction in the current strength immediately upstream and downstream (upto 400 m or so) of the bridge piers was seen. From the consideration of currents, only Pir Pau Jetty may face maximum 10% reduction. iii) Most of the vital installations in the harbor channel and thane creeks, such as Mumbai and JN port, BARC Jetty, Mazgoan Dock, Oil jetties of the Jawahar dweep are less likely to get affected in terms of water levels, tidal flux and currents. As the strength and pattern of the current may not appreciably change beyond the vicinity of the MTHL piers. The sediment transport process at vital installations may not get affected.

6. The Authority further observed that to protect the bird habitat and ensure minimize damage into the mudflat area, viaducts are proposed instead of embankments in the mudflat area. The piers for the viaduct would occupy small area on mudflat and hence would not cause serious erosion. However, these pillars would alter biological diversity and invite large variety of benthic algae enabling formation of secondary community as result of ecological succession. To minimize disturbance to ecological important mudflats, it is observed that operations in the mudflats or intertidal zones would be done by using temporary jetty which will be parallel to permanent structure in the Right of Way for the transportation of labour, construction material, precast elements, machinery etc on the either ends. As per the report presented, in order to avoid the disturbance to mudflats & bird habitat especially flamingos, no reclamation in mudflats or in the water area on Sewri and Navi Mumbai side is proposed. As per the report, it is observed that all construction equipments fully fitted with mufflers and exhaust silencers to contain the noise levels. Machinery used during construction should be properly maintained to minimize the air and noise emissions. MMRDA has also proposed noise barriers of 3 m height on both side of the sea link passing through mudflat area. It is also proposed that construction machinery movement would bypass the locations having habitation of migratory birds during construction.

7. The Authority further observed that post construction vegetation of the mangroves below viaduct in mudflat area on either side will be conserved and protected to maintain ecosystem integrity. MMRDA would develop a corpus fund for restoration of mudflat and bird habitat.



Further, bird monitoring and management plan is proposed to be evolved before construction activity which will comprise monitoring of active construction area, listing of bird species, monitoring during pile driving and other construction activities etc. Mangroves restoration programme /compensatory afforestation on 7 Ha. Suitable areas will be taken by MMRDA through Forest Dept/ Mangroves cell. The Authority also observed that casting yard is proposed in CRZ I (mangroves) and CRZ II area and opined that casting yard to be shifted from CRZ I (mangroves area)

8. The Authority also discussed the applicability of the Environment Clearance under EIA Notification, 2006 and opined that though activity per se is not covered in EIA Notification, 2006, however, considering the scale and ecological settings of the project area, MoEFCC, New Delhi may decide appropriately on the applicability of the EC for the said project.

9. After detailed deliberation on the submissions of the MMRDA & directions of the Hon. NGT, Pune, the Authority decided to recommend the project from CRZ point view under the provisions of CRZ Notification, 2011 to MoEFCC, New Delhi for appropriate consideration subject to compliance of following conditions:

Specific conditions:

- i. MMRDA to ensure that mangroves restoration on the identified areas is undertaken immediately through Mangroves Conservation Cell, Mumbai.
- ii. MMRDA to explore the possibility of increase in the distance between two piers of viaduct in the mudflat area, which may be more than 50 m. This will minimize the disturbance in ecologically important mudflats and bird habitat area.
- iii. The Sewri End of the Jetty should be used for transportation of construction material to avoid disturbance to the mudflats.
- iv. No reclamation is allowed in CRZ I & CRZ IV area except for viaducts & piers. MMRDA should ensure the same.
- v. MMRDA to install noise barriers of 3 m height on both side of the Sealink passing through CRZ I (mudflat & mangroves area) and CRZ IV area.
- vi. Casting yard proposed on 16.15 ha on mangroves area on Navi Mumbai side should be shifted from CRZ I (mangroves area).
- vii. MMRDA to ensure that Construction activities near flamingo habitat area may be restricted to the season when flamingos are not on the site or not in larger flocks.
- viii. MMRDA to ensure that all construction equipments are fully fitted with mufflers and exhaust silencers to contain the noise levels. Machinery used during construction should be properly maintained to minimize the air and noise emissions.
- ix. MMRDA to ensure that minimum damage is caused to mangroves ecosystem.
- x. MMRDA to ensure that operations in the mudflats or intertidal zones will be done by using temporary jetty which will be parallel to permanent structure in the Right of Way for the transportation of labour, construction material, precast elements, machinery etc on the either ends.
- xi. MMRDA to declare entire MTHL as 'No Honking area'
- xii. MMRDA to ensure that no hoardings are allowed to displayed on the MTHL to avoid disturbance due to light illumination to Marine flora, fauna and birds during night.

- xiii. MMRDA should take the expert opinions from the BNHS regarding safeguards to be placed so as to mitigate the disturbance to flamingo's habitat.
- xiv. MMRDA to formulate a Environment Cell (EMC) to monitor impacts on environment during construction as well as during operations, under Chairmanship of Additional Metropolitan Commissioner, MMRDA. The said Cell would comprises of internal cell with Joint project Director (Environment), MMRDA and the Chief Engineer, MMRDA and other members will be from Forest Department, Maharashtra Pollution Control Board, Environment Dept and other Environmental Specialists.
- xv. MMRDA to set aside an amount of about 2% of the project cost towards mitigation measures; restoration & Conservation of mangroves/birds/flora/fauna and mudflats restoration.
- xvi. MMRDA to undertake training programmes for construction personnel regularly so as to cause minimum disturbance to birds, due to construction activities.
- xvii. MMRDA to develop a nature interpretation centre in the appropriate place to create awareness about importance of conservation of flora and fauna and migratory birds.
- xviii. MMRDA to consult expert agency to minimize the damage to the mudflats before commencement of the construction work near the mudflats.
- xix. MMRDA should obtain the Forest Clearance since, the proposed alignment of MTHL is passing through mangroves patches at Sewri and Nhava End of the project. Prior permission from the High Court of Mumbai should also be obtained as per the Hon. High Court order dated 27.1.2010 & 6.10.2005 in WP No. 3246/2004 & PIL 87/2006
- xx. MMRDA to consult and implement suggestions given by committee constituted for fisheries issues in the project area. Representative of fisheries commissioner, local fisherman community etc should be appointed on the committee. The committee to ensure all mitigation measures for fisheries protection and issues of the local fisherman are considered and implemented during construction by conducting regular meeting during construction phase.
- xxi. MMRDA to ensure that no fishing activity is hampered during construction and operation phase of the project. Mudflats and creek are of vital importance to fisheries. Therefore during construction and after completion of the project, MMRDA to assess the project affected fishermen and loss of business to fishermen that may occur due to the project.
- xxii. MMRDA to formulate project specific disaster management plan and standard operating procedures before commencement of the project.
- xxiii. MMRDA to constitute Environmental monitoring committee over and above to internal environmental cell as proposed. This committee will ensure third party monitoring of implementation of ecological compliances. The structure of the committee should comprise experts from National Institute of Oceanography; Representative of BNHS; renowned expert in Ornithology; Director, Fisheries Institute, Versova, Andheri; Head of Coastal Engineering, IIT, Mumbai and Representative of Environment Dept and Maharashtra Pollution Control Board. The officer of MMRDA will act as a Member Secretary to coordinate the quarterly meetings of the committee during construction phase.



General Conditions:

- i. The MCZMA reserves the right to revoke this recommendation, if the conditions stipulated are not complied with to the satisfaction of the MCZMA or Environment Department.
 - ii. The MCZMA or any other competent authority, MCGM may stipulate any additional conditions subsequently, if deemed necessary, for environmental protection, which shall be complied with.
 - iii. A copy of the recommendation letter shall be marked to the concerned local body/ local NGO, if any, from whom any suggestion/ representation has been received while processing the proposal.
 - iv. The environmental safeguard measures should be implemented in letter and spirit.
 - v. This recommendation will be valid for 5 years from the date of issue of recommendation for commencement of construction & operation.
 - vi. The recommendation from CRZ point of view is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble court will be binding on the project proponent. Hence this recommendation does not give immunity to the project proponent in the case filed against him, if any or action initiated under EP Act.
10. The agenda item, minutes and the copy of this letter is also available on the website of MCZMA i.e. <http://mczma.maharashtra.gov.in>.


Member Secretary (MCZMA)

Copy for information to:

1. **Additional Chief Secretary**, Environment Dept, Room No. 217, Annex Building, Mantralaya, Mumbai.
2. **Metropolitan Commissioner, MMRDA**, Bandra Kurla Complex, Mumbai. District Collector, Raigad.
3. **District Collector, Mumbai City**, Old Custom House, Fort, Mumbai
4. **District Collector, Raigad**, Alibag, Dist. Raigad
5. **Select File - TC 4**