

MINUTES OF THE 32nd MEETING OF THE NATIONAL COASTAL ZONE MANAGEMENT AUTHORITY HELD ON 01.11.2017 AT NEW DELHI

The 32nd meeting of the re-constituted National Coastal Zone Management Authority (NCZMA) was held on 1st November, 2017 under the chairmanship of Secretary (EF&CC). The list of participants, including members of NCZMA and the representatives from Coastal Zone Management Authorities in the State/UTs, is given at **Annexure**. The agenda wise discussions held and decisions taken at the meeting are as under:

2. Agenda No.1: Review of progress of HTL ratification and Coastal Zone Management Plans (CZMPs).

2.1 HTL Ratification – Status:

NCZMA had earlier decided that the National Centre for Sustainable Coastal Management (NCSCM), Chennai shall demarcate HTL and LTL and provide the same to CZMAs. In compliance thereof, data for the HTL and Ecologically Sensitive Areas (ESAs) for entire coast line of the country have been mapped, demarcated and shared with all Coastal states/ UTs through shape file data by NCSCM, which are now required to be validated by the States/UTs. The NCZMA was informed of the current status of ratification of HTL by Coastal States/UTs as per details in **Annexure-1**:

2.2 Status of preparation of CZMPs:

The National Coastal Zone Management Authority (NCZMA) was informed that it had reviewed the progress of preparation of the CZMPs in its meetings held on 04.01. 2012, 27.11.2012 and 28.04.2015 periodically. It was also informed that Secretary, EFCC in September, 2016 again reviewed the progress of preparation of CZMPs with the Chief Secretaries/Administrators of Coastal States/UT Administrations. Despite repeated request by the NCZMA/MoEFCC, the States/UTs CZMAs have not been able to complete the task till date, except in the case of Lakshadweep.

The NCZMA was also informed that the status of preparation of CZMPs is also under review by the National Green Tribunal and in compliance of the order of the National Green Tribunal dated 31.05.2017, the Secretary (EFCC) had convened a special meeting with Secretaries/Principal Secretaries/concerned officers of the 13 coastal States/UTs on 27.06.2017, to review the progress of CZMPs. After detailed discussions States/UTs indicated new timelines for finalization of CZMPs as per details in **Annexure-2**:

The representatives of the State Governments of Kerala and Gujarat stated that due to compelling circumstances the finalization of the CZMP would entail a little more time and requested a revised timeline of March, 2018 and July, 2018 respectively. *The NCZMA however decided that the State Governments/UT Administrations should working towards early finalization of the CZMPs as per committed timelines given above.*

3. Item No. 2 & 3: Consideration of post facto CRZ Clearance and procedures dealing with violation.

The NCZMA was informed that there have been instances where activities entailing changes in project components and otherwise attracting provisions of CRZ regulations have been carried out post 1991 without obtaining prior CRZ clearance by the project proponent. That in some cases the project has been acquired from an original party who had not obtained prior CRZ clearance. It was also informed that one such matter was also litigated in the National Green Tribunal and while disposing the same, the Tribunal had restricted carrying out any

operations awaiting final directions of the Central Government, following due process of law. The NCZMA was informed that since there are presently no such provisions of post facto clearance in the CRZ Notification, 2011, a view needs to be taken on course of action for such cases.

The NCZMA deliberated the issue and decided that a parallel procedure akin to post facto clearance and dealing with violations in the cases of environmental clearances to projects under the EIA Notification, 2006 can be followed. *It was decided that only cases wherein the project would have been granted CRZ clearance if there would have been a timely application, would be considered for regularisation. Cases which are in violation of CRZ norms would not be regularised. State Govt./UT Admn. CZMA should give specific recommendation regarding regularisation and should certify that there are no violations of the CRZ regulations while making such recommendations. A suitable cut-off date would be fixed for regularisation beyond which violations would not be regularised. Satellite imagery would be used to establish the ground level data on the cut-off date, so that there is clarity on the same.*

4. Item No. 4: Mangroves in holding ponds of CIDCO – CRZ status thereof.

The NCZMA was provided the following information:

The Dronagiri Township area, in Navi Mumbai, measuring approximately of about 2740 hectares was originally an agricultural land, which was acquired by the State Government and handed over to City and Industrial Development Corporation (CIDCO) for developing a new township, to support the development of Jawaharlal Nehru Port Trust (JNPT). It was also informed that hydrologically, Navi Mumbai is a low lying (below High Tide Line) and more critical than other parts of Mumbai in so far as that the storm water gushes in from steep hills and is stopped by the sea tide and creek water, which raises the water level by 4 to 5 meters in a matter of few hours. That, in view of the topography of the township, CIDCO designed a storm water drainage system converting these areas into holding ponds connected through man-made channels upto sea in order to discharge the storm water and maintain equilibrium. The holding ponds with flap gates hinged on the top of the outlet pipes on the creek side acted as one-way valves, which closed during high tide due to the creek water pressure and did not allow the entry of creek water into the holding ponds. Thus, the holding ponds become available for rain/storm runoff water. However, during the low tides, the flap gates opened due to the pressure water of the inside holding ponds and the water got discharged into the creek, thus preventing the flooding of the areas. Six such holding ponds of various sizes were developed in this area commencing in late 1980s and all of these were functional by 1992. The holding ponds and channels cummulative cover about an area of 675 Hectares.

The outlet structures of the holding ponds are at present mostly dysfunctional or functioning partially owing to thefts/breakages and poor maintenance of the flap gates and the associated linkages. There has been reported interference of villagers with the flap gates for fishing activities and also the breaking of bunds by them. Over the years there has been an improper maintenance and repairs to the drainage system, leading to entry of creek water into the ponds. In addition, the underground water movement has also reportedly made the environment of the ponds and the channels saline. There has been heavy settlement in the foundation of the ponds due to deep marine clay. This created a favourable condition for generation of mangroves in holding ponds and drainage/channels as the creek water regularly brought in mangrove propaguals. This action repeatedly, over the years, has led to extensive growth of mangroves in the holding ponds and the associated drain channels as also adjoining areas. CIDCO officials have reported loss of holding ponds capacities to the extent of 80 percent and frequent flooding in the township owing to ineffective drainage from the holding ponds and their reduced capacities. It has been further reported that, owing to above, Navi Mumbai is facing a loss of about 1240 Ha of land.

The NCZMA was also briefed on the legal status of the holding ponds as follows:

The Mumbai High Court Order in October, 2005, directed a total freeze on the destruction of mangroves in Maharashtra State, preventing CIDCO from carrying out any dredging/de-silting work in the holding ponds and channels, which further resulted accumulation of silt, mangroves growth, loss of pond capacities, loss in discharge capacities in channels etc. all of these leading to frequent flooding in the township areas. CIDCO accordingly, had moved a Notice of Motion in Bombay High Court for seeking exemption of the Hon'ble High Court from its Order of October, 2005 to take up de-silting of holding ponds and channels. Bombay High Court vide its order dated July, 2008, permitted de-silting of holding ponds and channels in Panveri and Kalamvoli areas. This was, however, denied at Dronagiri owing to representations from agencies like BEAG etc. Hon'ble High Court in its Order dated July, 2013, directed that MoEFCC through MCZMA to examine whether the holding ponds and channels fall in CRZ areas.

The NCZMA noted that the holding ponds have been connected to the sea waters through drainage channels and are tidal influenced water bodies, extending right inside the holding ponds and the surrounding areas of the holding ponds, leading to extensive growth of mangroves in these ponds, channels and also adjoining areas. The NCZMA also noted that mangroves are classified as ecologically sensitive areas in the CRZ Notification, 2011 and the extant notification does not differentiate between any natural/artificial channels of tidally influenced water bodies.

The NCZMA observed that the mangroves have grown due to sheer changes of salinity of the soil and water in the CIDCO area, over the course of time, has become massive and the request of CIDCO would entail destruction of about 2.0 lakhs mangroves, which has now become the lungs of Mumbai. In addition, the area has become a good fishing ground and there could be objections by the fishing communities of the area. MCZMA has not examined the implications of destruction of such a large number of mangroves. The NCZMA also decided that CIDCO may present their case again with a sound proposal based on satellite imageries of the area, pre-and post construction of the holding ponds, and the current status and the implication of the loss of mangroves.

5. Item No.5: CRZ Status for the Plot for Slum Redevelopment Scheme for Nityanand CHS – M/s Wizard Construction (I) Pvt. Ltd.

The NCZMA was informed that the Maharashtra Coastal Zone Management Authority (MCZMA) forwarded references related to proposed Slum Redevelopment Scheme for Nityanand CHS (Prop) on plot bearing 791/A (pt) in A Block, Bandra reclamation layout of MHADA to be developed by M/s Wizard Construction (I) Pvt. Ltd. The proposal has been accorded environmental clearance by MoEFCC vide its Letter No.21-205/2014-IA.III, dated 23rd June, 2015. The project site is fronting the Bandra Worli Sea Link (BWSL), which was constructed on a reclaimed surface. Owing to the reclamation for BWSL, the HTL has effectively shifted farther southwards from the plot where the subject scheme is proposed to be launched. That a reference has also been made related to the Mahim Sea being declared as "BAY" by Hon'ble High Court of Bombay/Supreme Court and, accordingly, the applicability of CRZ boundaries, i.e., upto 100 meters from HTL, as in the case of tidal influenced water bodies such as rivers, creeks, estuaries and bays etc., as per CRZ Notification, 2011, have been indicated to be applicable in this case as well. Now MCZMA have requested for a clarification as to whether the shifted HTL, owing to BWSL constructed on a reclaimed surface and fronting the bay, should be considered for the instant proposal or the HTL as delineated in the CZMP before reclamation for BWSL, is to be continued to be recognised for the project. As per new draft CZMP drawn based on CRZ Notification, 2011, the plot/land under reference is reported to be located beyond 100 meters of the HTL of Mahim Bay. MCZMA have further observed that in the event the shifted HTL is considered and also considering Mahim Sea

waters as 'Bay', the project land would be outside the 100 meter CRZ boundary and, thus, the proponent would not be bound by CRZ Notification, 2011. The proponent also wishes to utilize the open spaces in the plot, which are declared as 'No development' areas and within CRZ-II as per the original delineation of HTL (prior to the construction of BWSL). This would be possible only if the plot is not located within the CRZ boundaries.

NCZMA was further informed that MoEFCC, while according Environmental and CRZ clearance for construction of Bandra-Worli Sea Link project in 1999 had allowed reclamation, which led to shifting of HTL southward towards the bay. That, it was, however, mentioned in the said clearance that the reclamation should not be used for any additional construction/development, as specified in CRZ Notification, 1991. In the backdrop of above, NCZMA have requested National Coastal Zone Management Authority (NCZMA) for necessary clarifications in respect of the applicability of CRZ regulations and boundaries to the proposed site.

The NCZMA deliberated the matter and noted that the draft CZMP for entire coastal stretches is under finalisation in the State. The delineation of various coastal environment parameters viz., the High Tide Line (HTL), Ecologically Sensitive Areas (ESAs) and the CRZ boundaries etc. are an integral part of the CZMP. The NCZMA further advised for the examination of the project proposal and the issue involved in the backdrop of the approved CZMP (which is presently under preparation) in accordance with the provisions of the CRZ Notification, 2011, by the concerned authorities in Maharashtra and if need be, MoEFCC/NCZMA thereafter.

6. Item No.6: CRZ status of the project site of M/s Omkar Realtors and Developers Pvt. Ltd. at Adarsh Nagar, Worli, Mumbai.

The NCZMA was informed that the project site of M/s Omkar Realtors and Developers Pvt. Ltd. at Adarsh Nagar, Worli, Mumbai, under reference fronts Mahim Bay on one side and the Arabian Sea on the other side. The following issues, however, need deliberations and clarity:

- (i) HTL demarcated by the IRS, Chennai, Mahim Bay does not correspond to the HTL as per approved in the existing CZMP, possibly on account of generalisation error caused by the variation in the scale of map.
- (ii) The plot partly falls within the 100 meter CRZ boundary of the Mahim Bay, as per the map drawn by the IRS, Chennai. Whereas, as per the existing approved CZMP, the plot is, however, reported to be outside the 100 meter buffer from the HTL of the Mahim Bay.
- (iii) Likewise, the plot also falls partly within the 500 meter CRZ lines from the HTL for the Arabian Sea as per the map drawn up by IRS Chennai. However, as per the approved CZMP, the plot falls outside 500 meter buffer from the HTL for Arabian Sea.

The NCZMA was further informed that as per the draft new CZMP, drawn as per provisions of CRZ Notification, 2011 the site map is in consonance with the HTL demarcation drawn up by IRS, Chennai.

The NCZMA deliberated the matter and noted that the draft CZMP for entire coastal stretches is under finalisation in the State. The delineation of various coastal environment parameters viz., the High Tide Line (HTL), Ecologically Sensitive Areas (ESAs) and the CRZ boundaries etc. are an integral part of the CZMP. The NCZMA further advised for the examination of the project proposal and the issue involved in the backdrop of the approved CZMP (which is presently under preparation) in accordance with the provisions of the CRZ Notification, 2011, by the concerned authorities in Maharashtra and if need be, MoEFCC/NCZMA can be consulted thereafter.

7.0 Item No.7: Other items with the permission of Chair:

7.1 Validity for CRZ clearance

The NCZMA was informed that as per the Clause No. 4.2 (V) of the CRZ Notification, 2011, the CRZ clearance accorded for a project is valid for five years from the date of issue for the proponents to commence construction and operation. There have, however, been instances reported to the Ministry wherein the proponents, for compelling reasons, could not take up the construction within the stipulated period of five years and accordingly, the clearance ceased to be valid thereafter. Presently, there is no specific provision in the CRZ Notification, 2011 for considering revalidation of CRZ clearance to such proposals and these are being taken up on case to case basis on merit by the expert Appraisal Committee (CRZ).

The NCZMA noted the issue and agreed that once the validity of a clearance has lapsed, the clearance becomes infructuous and cannot be revived unless a request has been made during the validity period of the clearance and decision is taken for its revalidation. The NCZMA therefore decided that in the absence of the requisite provisions for revalidation of CRZ Clearance under the CRZ notification 2011, the modality followed in the case of the Environmental Clearance validity revalidation as per EIA Notification which inter-alia prescribes for submission of an application for revalidation during the validity period with other requirements, can be followed.

7.2 Need for strengthening of State / UT CZMAs

Representatives of the State Governments emphasized the acute shortage of manpower available in dispensing the quantum of workload including legal matters with the CZMAs. The state representatives stated that the officials of the CZMAs has multifaceted roles and functions and are primarily officials of the Environment Department or Pollution Control Boards, with a mandate of work functions. That with the existing structure and composition of the staffing pattern in the CZMAs, they are unable to dispense with mounting workload.

The NCZMA noted the submissions made by the State Government representatives and the necessity for revamping and strengthening of the CZMAs. The NCZMA decided therefore that the matter can be taken up with the State Governments/ UT Administrations, and the Central Government shall to the extent possible take note and accommodate bare requisite staffing component while formulating SPMUs of the Coastal States under the ICZMP Phase-II.

The meeting ended with a vote of thanks to the Chair.

LIST OF PARTICIPANTS

S.No.	Name and Designation	Organization
1.	Sh. C.K Mishra, Secretary	MoEF&CC
2.	Dr. Shailesh Nayak, Distinguished Sc	MoES, New Delhi
3.	Sh Arun Kumar Mehtra, Adll. Secy	MoEF&CC
4.	Sh Ritesh K. Singh, Joint Secretary	MoEF&CC
5.	Ms. Devika Raghuvanshi, Jt. Secy	MoD
6.	Sh. T P Singh	Meity, Gol
7.	Sh. R. Ramesh	NCSCM, Chennai
8.	Sh. I S. Nishra	MHA
9.	Sh. M.S. Ramana Murthy	MoES
10.	Sh. S Mukherjee, SCZMA & CEO	Deptt. of Env., Govt. of West Bengal
11.	Sh. J K Jena, DDG	ICAR, New Delhi
12.	Dr. Ashok K Saxena	Member-Secretary, GEC, Gujarat
13.	Ms. Padma Mohanti	Member-Secretary, KCSMZ
14.	Dr. B N Patil, Director,	Env Dept., and MS MCZMA
15.	A.V. Venkatachalam, Director	Dept. of Env., Tamil Nadu
16.	Sh. D. Chakraborty, Sc 'D'	CGWA, N. Delhi

Annexure-1

HTL Ratification – Status:

S.N.	Coastal State/UT	Status
1.	Gujarat	HTL submitted by NCSCM in April 2017. NCSCM made presentation to the GCZMA, which agreed to the demarcation of HTL with minor corrections. The corrections have been carried out and it was stated that the same will be finalised by end of November, 2017.
2.	Maharashtra	HTL submitted by NCSCM in February 2017. HTL approved in principle with minor modifications. All corrections have been carried out and will be finalised by end of December, 2017.
3.	Goa	HTL submitted by NCSCM in March 2017. NCSCM made presentation to the Hon'ble Chief Minister and GCZMA. The HTL prepared has been accepted with minor corrections. Field verification is planned with the officials of Government of Goa in November, 2017. <i>Neither the NCZMA member from Goa, nor his representative was present in the meeting.</i>
4.	Karnataka	HTL submitted by NCSCM in March 2017. <i>Neither the NCZMA member from Karnataka, nor his representative was present in the meeting.</i>
5.	Kerala	HTL submitted on 25 th May, 2017. Government of Kerala suggested some changes based on salinity values/ field observations by NCESS. Corrections are underway based on NCESS data received on 25/10/2017. HTL will be finalised by end of November, 2017.
6.	Tamil Nadu	HTL prepared and submitted by NCSCM in March 2017 and approved by the TNCZMA.
7.	Andhra Pradesh	HTL submitted by NCSCM in April 2017. Andhra Pradesh officials visited NCSCM for review of the HTL and agreed in principle. Official communication of acceptance is awaited. <i>Neither the NCZMA member from Andhra Pradesh, nor his representative was present in the meeting.</i>
8.	Odisha	HTL submitted by NCSCM in February 2017. Official communication of acceptance is awaited. <i>Neither the NCZMA member from Odisha, nor his representative was present in the meeting.</i>
9.	West Bengal	HTL submitted by NCSCM in February 2017. Representative of the State Govt. present stated that the HTL is acceptable and official communication of acceptance will be communicated soon.
10.	Daman & Diu	HTL submitted by NCSCM in March 2017. Official communication of acceptance is awaited.
11.	Puducherry	HTL submitted by NCSCM in November 2016 and approved by the PCZMA.

Annexure-2**Status of preparation of CZMPs:**

S. No.	Coastal States/ UTs	Indicative Timeline
1.	Andhra Pradesh	March, 2018
2.	Odisha	December, 2017
3.	Goa	March, 2018
4.	Gujarat	March, 2018
5.	Karnataka	March, 2018
6.	Kerala	December, 2017
7.	Maharashtra	March, 2018
8.	Tamil Nadu	March, 2018
9.	West Bengal	December, 2017
10.	Daman & Diu	February, 2018
11.	Puducherry	October, 2017
12.	Lakshadweep	Completed for inhabited Islands.
13.	Andaman & Nicobar	March, 2018