

Minutes of the 54th Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 16th July 2009 at Mantralaya, Mumbai

List of the members present at the meeting is enclosed as **Annexure-I**.

Principal Secretary (Fisheries), Agriculture & ADF Department, Mantralaya; Additional Chief Secretary (Revenue), Mantralaya; President (Vanarai Pratishthan); Dr. (Mrs.) Leela J. Bhosale (Botanist), Dr. Dilip Kumar, Director, Central Institute of Fisheries Education, Mumbai and Dr. S. K. Gupta, Department of CESE, IIT, Powai, Mumbai could not attend the meeting. The meeting was adjourned for 30 minutes for quorum.

Item No. 1: Confirmation of the Minutes of the 53rd Meeting of the Maharashtra Coastal Zone Management Authority held on 22nd June 2009

The minutes of the 53rd Meeting of the Maharashtra Coastal Zone Management Authority were confirmed by the Authority without any modifications.

Item No. 2: Action taken on the decision taken in the 53rd Meeting of the Maharashtra Coastal Zone Management Authority held on 22nd June 2009

Follow-up actions in respect of decisions taken in the previous Meeting of the Authority were noted.

Item No. 3: Regarding CRZ Clearance for Navi Mumbai International Airport (NMIA) proposed by CIDCO

Officials of CIDCO presented the case before the Authority and mentioned that the Ministry of Civil Aviation, Government of India and Government of Maharashtra have granted approval for the NMIA on public-private-partnership basis. CIDCO has been appointed as the nodal agency for implementation of the project.

The Project Proponent explained that the airfield of the Navi Mumbai airport is designed for 60 million passengers per annum (MPPA) capacity which will be reached in 4 phases by the year 2030 and the estimated basic cost of airport is about Rs. 4765 crores for the 4 phases.

Authority noted that, the proposed Navi Mumbai International Airport (NMIA) is to be situated in Navi Mumbai, Taluka Panvel, District Raigad (Longitude 73°04'18"E and Latitude 18°59'03"N). The total area of airport zone is about 1615 Ha out of which on-

airport area is about 1200 Ha (for aeronautical use) and off-airport area is about 415 Ha (for non-aeronautical use i.e. for accommodating physical, commercial and social infrastructure). As per the approved CZMP of Navi Mumbai, the land considered for airport falls under CRZ-I (468.59 Ha), CRZ-II (155.31 Ha) and CRZ-III (12.22 Ha). About 93.04 Ha land is under water body and remaining land (885.84 Ha) is non-CRZ area. As per the Project Proponent, two rivers viz. Gadhi and Ulwe are required to be trained and diverted respectively, to make such a large area available for the proposed airport. It was also reported that mountain of height of about 87 m will be razed to reclaim the area under water and CRZ-I (i), CRZ-I (ii), CRZ-II and CRZ-III.

Authority noted that, as per the amendment in the CRZ Notification, 1991 vide S.O. 1243(E) dated 15th May 2009; 'development of green field airport and related activities at Navi Mumbai' are permissible in CRZ-I (ii), CRZ-II and CRZ-III areas except CRZ-I (i) subject to detailed scientific study for incorporating adequate environmental safeguards and measures required for neutralizing damage to coastal environment as may be appropriate to Navi Mumbai region.

Authority discussed the the possible ecological and socio-economic alterations due to the training of Gadhi river and diversion of Ulwe river. Authority also held discussions about leveling of the area by demolishing a mountain of the height of 87 m and its impact on the nearby habitats and climate. CIDCO Officials explained that, for the training of river, they plan to use buffer material which will minimize environmental impact. Authority was of the view that the proposed training, if approved by MoEF, should not be right-angled but should have smooth curves to enable the flow of water without any damage. As per the Project Proponents, concrete curing will not be done; instead, natural materials like wood, bamboo will be utilized. They mentioned that for the diversion, they have proposed to use 1-D and 2-D models which can be more helpful for proper implementation. CIDCO Officials also mentioned that they plan to keep a 100 m wide area vacant along both sides of the rivers/ creek for the natural restoration of mangroves after diversion.

Authority noted that, this action will result in re-alignment of CRZ belt in Gadhi and Ulwe rivers which will cause changes in the approved CZMP of Navi Mumbai.

Authority also noted the large area covered by mangroves which will be affected. Due to the project, destruction of the mangroves would take place and disturb the eco-sensitive zone useful for coastal ecosystem balancing. Authority was of the opinion that the different ways and possibilities to neutralize the impacts on environment and



other factors on actual site and surroundings should be studied carefully and comprehensive impact analysis and cost-benefit analysis should be carried out and presented to MoEF with copy to MCZMA.

Authority also expressed the need for a comprehensive plan for proper implementation and management for restoration and re-plantation of mangroves such as the selection of local species according to the habitat, collection of saplings with respect to their seasonal availability and precautions to be taken while plantation. Considering the large extent of compensatory plantation, for which one season may not be enough for collecting the required saplings and various species so as to maintain the biodiversity of mangrove species, CIDCO should immediately rope in experts in mangrove conservation and start preparing working plan for the same and submit to the Authority and MoEF along with a time-bound pert chart for implementation.

Authority after prolonged discussion decided to recommend the case to MoEF subject to the strict compliance of following conditions:

1. CIDCO should carry out comprehensive environmental impact assessment study of the area as per the ToRs to be approved by MoEF as mentioned in Environmental Impact Assessment Notification of MoEF dated 14.09.2006 and copy of the same should be submitted to MoEF and MCZMA in print as well as electronic format.
2. CIDCO should prepare and submit detailed plan of diversion of two rivers with the help of experts in the field, it may consult Water Resources Department for the same. CIDCO should ensure that training, if approved by MoEF, should be with smooth curves and at no point curve should be of 90° to maintain the steady flow of water of the river originating from Matheran hills. Impact assessment of the training on flora, fauna, socio-economic pattern, nearby human habitation and port areas should be a part of EIA especially flooding in nearby areas.
3. Details of the source of soil and other material to be used for reclamation of water body, mangroves and other CRZ areas should be submitted. Authority also desired that impact of cutting/ razing of mountain in the CRZ area should be studied with respect to coastal protection to the nearby habitats, change in the tidal wave pattern, loss of habitats to various organisms, compensatory plantation, rainfall pattern etc.



4. Proper environmental management plan and disaster management plan should be prepared and submitted.
5. Submission of working compensatory mangroves afforestation plan, prepared with the help of experts in the field along with time-bound PERT chart. Local mangroves species should be conserved and CIDCO should open dedicated Environment Management Cell with experts from all fields. It is also required that compensatory plantation should be completed prior to the commencement of the project and report of the same should be submitted to MCZMA and MoEF.
6. Around 700 to 800 families which are living on island are required to be relocated. CIDCO should ensure their proper rehabilitation and also ensure that their livelihood should not get affected. Comprehensive plan for the same shall be submitted.
7. Authority also noted that there will be change in the approved CZMP of Navi Mumbai due to proposed activity. CIDCO should submit the details of impact of change in CZMP on nearby developable area as well as on JNPT and other installations.
8. Mangrove cutting in coastal areas of Maharashtra is a prohibited activity and reclamation of land is not permissible as per CRZ Notification. CIDCO needs to obtain prior permission of Hon. High Court with respect to its order given in case of Writ Petition No. 3246/ 2004 and 87/ 2006 before commencement of any work related to airport on ground.
9. CIDCO should carry out the detailed study on impact of fishing and livelihood of people depending upon the coastal area under consideration. CIDCO should also take efforts to maintain the traditional livelihood and socio-economic status of community supposed to be affected by the project directly or indirectly.
10. Existing species of mangroves, other flora, fauna and aquatic species with its environmental and socio-economic value should be properly documented with the help of expert institute in the field.
11. Measures for anticipated impacts of climate change and sea level rise on proposed airport area and nearby area should be studied. Details of soil characteristics, geology, impact of the proposed activity on transportation and traffic management in Navi Mumbai area should be submitted.



12. Total Station Map of airport as well as peripheral area of at least 5 km range showing contours, drainage patterns, habitations, existing land-use, roads etc. should be submitted to MCZMA and MoEF.

Item No. 4: Relocation of pipelines in CRZ area by M/s. Finolex Industries Ltd. at Ranpar, Ratnagiri

Project Proponent presented the case before the Authority. Authority noted that the proposal is for the relocation and replacement of old pipelines for transportation of chemicals. The Project Proponent explained the pipeline set-up and transportation process for various chemicals.

Authority noted that the proposed activity falls in CRZ-III area (within 200-500 m CRZ area from HTL) and as per the para 2 (xii) of CRZ Notification, 1991, construction of facilities for carrying sea water for cooling purposes and oil, gas and similar pipelines between LTL and HTL is permissible. Authority also expressed its concern about the safety aspects while transportation of these hazardous chemicals and directed the Proponent to take appropriate measures in this regard.

As the investment cost is more than Rs. 5 crores, permission of MoEF will be required for the proposed project. Hence after discussion Authority decided to recommend the case to MoEF for further necessary action.

Item No. 5: Proposed building on plot bearing S. No. 49(pt) and CTS No. 299-C of Village Valnai, Malad (West)

The matter was placed before the Authority. Authority noted that the plot under reference falls in CRZ-I and CRZ-II as per the MoEF approved CZMP of Mumbai on 19.01.2000 and affected by 36.60 m proposed road passing through CRZ-I.

As per the old DP Remarks (manually prepared) given by MCGM, the road falls in CRZ-I area. Hence the construction proposed on the landward side of this road is not permissible. But, as per the new DP Remarks obtained by GIS system, some changes in HTL and CRZ areas are observed. Due to these changes, the plot under reference falls only in CRZ-II instead of CRZ-I and CRZ-II.

Authority raised questions on these two contradictory DP Remarks for the same location due to difference in methods of preparation. Authority also noted that the new GIS based DP Remarks show the change in actual HTL position, which is differing from the approved CZMP.



After the discussion, Authority decided to go by the approved CZMP and earlier DP Remarks and decided not to allow the proposed work on the abovementioned plot.

Item No. 6: Proposed Slum Rehabilitation Scheme on plot bearing CTS No. 2841(pt), Village Malvani, Malad (West) for 'Malvani Mahakali Nagar CHS Ltd.'

Project Proponent presented the case before the Authority. The Proponent mentioned that the construction is proposed only in non-CRZ area of the land under reference. Total area of the plot is 2218384.10 sq. m.

Authority noted that some portion of the plot under reference falls in CRZ-I, CRZ-II & mangroves buffer zone as per the approved CZMP of Mumbai. As per the Letter of Intent given from SRA, area of 465.87 sq. m. falls in CRZ-I and area of 6611.57 sq. m. falls in CRZ-II. Authority also noted that in case of the proposed construction, SRA has given letter of intent for non-CRZ area and 1.00 FSI for CRZ-II area affected by slums.

Project Proponent also submitted the clarification given by MoEF vide letter No. J-17011/26/96-IA-III dated 7th August 2002 about the utilization of FSI of CRZ-II area of the plot for construction in non-CRZ area.

Authority after discussion decided to clear the case from CRZ point of view and allow the proposed construction in non-CRZ area only along with permissible FSI in CRZ-II area as per the CRZ Notification, 19.02.1991 and clarifications given by MoEF time to time since cost of the proposed SRA project is less than Rs. 5 crores. Project proponent should obtain all other necessary permissions from other government departments and local body if required.

Table Item No. 1: Status of Court case under Writ Petition No. 865 by Mr. Sanjay S. Singh

The matter was placed before the Authority. Authority noted that, after receiving the writ petition Authority has already intimated to Collector (Mumbai Suburban), Municipal Commissioner (MCGM) and Divisional Commissioner, Konkan Division to take appropriate action against the said violations as per Environment Protection Act 1986 & other related laws, and inform the same to authority as well vide letter Dated 10/07/2009. It was directed to MCGM to submit the report of action taken in this matter at the earliest. After receipt of the report, the same will be informed to Hon. High Court by the Authority.



Table Item No. 2: Draft minutes of the order in PIL No. 87 of 2006 filed by Bombay Environmental Action Group regarding destruction of mangroves in CRZ area

The matter was placed before the Authority. Authority went through the draft minutes of order prepared by Bombay Environmental Action Group and Government Pleader. Authority noted that, the Advocate General, Maharashtra after discussion has given the opinion that, the Joint Secretary, Forest and Revenue Department to convey the meeting of all concerned departments before Chief Secretary, Government of Maharashtra and to take the decision on minutes of order prepared by Assistant Government Pleader and convey the same to him, so as to file draft minutes of order before Hon. High Court Mumbai for final disposal of writ petition.

As per the draft minutes of order, MRSAC is supposed to carry out mapping of mangroves. However, MRSAC is not the MoEF approved agency. Hence, Authority decided to advise that the proposed mapping should be carried out by one of the MoEF approved agencies. Authority also decided to include in the draft minutes of order that the progress of mangroves mapping will be monitored and reviewed regularly by MCZMA.

Table Item No. 3: Measures proposed for Protection, Conservation and Rejuvenation of mangroves in Maharashtra

The matter was placed before the Authority. Authority noted that the protection of mangroves is very essential. As MCZMA and Divisional Commissioner, Konkan have inadequate technical manpower to protect and conserve the mangroves along the coast of Maharashtra, the conservation and rejuvenation of mangroves along the coasts can be carried out properly and successfully through the participation of local people with local authorities and organizations. Authority also noted the scope of MCZMA in this matter as per the Hon. High Court Order for Writ Petition No. 3246/ 2004 dated 6th October 2005.

Authority discussed in detail, the action plan prepared with respect to the Hon. High Court Order. It was decided to form:

A. Mangroves Protection Squad:

This squad will comprise of a Police official/ security guard, regional representatives of Forest Department and Revenue Department (Tehsildar Office) and



representative of Maharashtra Pollution Control Board (MPCB). This squad will be formed on pilot basis for a period of two months for a selected area. The protection squad will take all necessary actions on ground level for the protection of mangroves. Primarily, the squad will take legal action against the activities like unauthorized cutting of mangroves and debris dumping in mangrove areas. For the selection of specific area, Municipal Commissioner, Thane and Divisional Commissioner, Konkan Region should be invited for consultation in the next Meeting. The Secretary, Labour Department should also be invited for the consultation regarding availability of security guards.

B. Study Group for conservation and rejuvenation of mangroves:

MCZMA will appoint a study group of members comprising of NGOs and experts in the field of mangroves, head of the regional authority and Member Secretary (MCZMA). This study group will select and confirm the study area for conservation and rejuvenation of mangroves. For the selected study area, separate 'Conservation Plan' as well as 'Rejuvenation Plan' will be prepared. This study group will finalize the area specific plan for conservation and rejuvenation of mangroves in consultation with universities and educational institutes involved in mangroves research and conservation projects. It was decided to invite the research projects which are time-bound with respect to available funds.

It was also suggested to form local committees for the implementation of the action plan and its review. Authority also decided to involve selected NGOs/ research institutes for the monitoring of these conservation projects. It was decided that the expert members of MCZMA will submit draft plan accordingly.

After deliberations, Authority agreed to take necessary steps for the implementation of decided action plan.

The Meeting ended with vote of thanks to all members.


Chairperson,
MCZMA



Annexure-I

List of the Members present for the 54th Meeting of MCZMA is as follows:

1. Smt. Valsa R. Nair-Singh, Chairperson, MCZMA and The Secretary, Environment Department, Mantralaya, Mumbai
2. Shri T. C. Benjamin, The Principal Secretary, Urban Development Department, Mantralaya, Mumbai
3. Dr. J. M. Phatak, Municipal Commissioner, MCGM, Mumbai
4. Shri A. M. Khan, Principal Secretary, Industries Department, Mantralaya, Mumbai
5. Dr. S. B. Chaphekar, Botanist, Mumbai
6. Dr. B. N. Patil, Member Secretary, MCZMA