

Minutes of the meeting of NCZMA held on 29th February, 2016

The 30th meeting of the National Coastal Zone Management Authority (NCZMA) was held on 29th February, 2016 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 annexed.

2. Agenda wise deliberations and the discussion during the meeting are as under:-

Agenda No.1

Confirmation of the minutes of 29th meeting of NCZMA

The 29th meeting of the NCZMA was held on 15th October, 2015 under the chairmanship of Secretary (EF&CC) and the minutes were circulated to all the members. There being no comments/suggestions from any of the members of the NCZMA, the authority confirmed minutes of the said meeting.

Agenda No.2

Action taken on minutes of the previous meetings (28th & 29th) of NCZMA

2.1 The status of preparation of Coastal Zone Management Plans (CZMPs) as per the Coastal Regulation Zone (CRZ) Notification, 2011 and the action taken by the Coastal States/UTs was reviewed by the Authority during its 28th meeting. The Authority desired to hold a separate meeting with all the SCZMAs on the following items:-

- Preparation of CZMPs by the State Governments under CRZ Notification, 2011,
- Action taken by SCZMAs on violation of CRZ Notification, 2011; and

It was informed to the Authority that a meeting cum training session on web based portal for CRZ clearance was held on 4th December, 2015. The representative from State Coastal Zone Management Authorities (SCZMA) of Gujarat, Andhra Pradesh, Kerala, West Bengal and Odisha attended the session. The notes are given at Agenda Items No. 3 and 4.

2.2 Re-consideration of the matters pertaining to development of an Engineering College at Adichannlor Village of Kollam District (Kerala)

It was informed to the Authority that the sub- Committee constituted during the 29th meeting of NCZMA has heard the parties/petitioners, first on 2nd December, 2015 and then on 12th January, 2016. The notes are given at Agenda Item No.5.

Agenda No.3

Progress made by SCZMAs in preparation of CZMPs as per CRZ Notification, 2011

3.1 The progress made by the Coastal States/UTs regarding preparation of CZMPs under the CRZ Notification, 2011, has been reviewed by the NCZMA in its earlier meetings, with the request to expedite submission of CZMPs. Meanwhile, on the request of Coastal States/UTs, the Ministry agreed to extend the validity of approved CZMPs till 31st January, 2014, as per the provisions contained in the CRZ Notification, 2011, and accordingly, the Notification was amended. On the request of these States, the validity of approved CZMPs was further extended up to 31st January, 2015 vide Notification dated 30th April, 2014. The Ministry asked all the coastal States/UTs, including the State Government of Maharashtra, to expedite preparation of CZMPs under the CRZ Notification, 2011. However, no Coastal State prepared and submitted the draft CZMPs to the Ministry for consideration and approval. Taking this into account, the validity of approved CZMPs was further extended up to 31st January, 2016 vide Notification dated 31st March, 2015.

3.2 The present status of preparation of CZMPs as reported by different Coastal States/UTs was informed to the Authority. It was highlighted that except UT of Lakshadweep, which has prepared the IIMPs under IPZ Notification, 2011, no other Coastal State/ UT has prepared the CZMPs as per the CRZ Notification, 2011 and IPZ Notification, 2011. It was also informed to the Authority that the Ministry has been requested by the States/UT of Maharashtra, Goa, Kerala, Karnataka, Andaman & Nicobar to extend the validity of CZMPs up to 31st January, 2017.

3.3 The Authority requested the National Centre for Sustainable Coastal Management (NCSCM), Chennai and the SCZMAs to report latest status. The NCSCM, made a presentation and informed that as per the earlier decision, digital data of HTL and LTL, along with base maps covering the entire coastline of mainland India are to be provided by NCSCM to MoEF&CC for preparation of the CZMPs. Before submitting these maps to the Ministry, the NCSCM shall ensure verification by the concerned States/ UTs. The current status of demarcation of HTL was reported as under:

Coastal State /UT	Data Description	Format Provided	Date Received	Remarks	Data Source
Tamil Nadu	Data Provided and will be incorporated in GIS Environment	Shape File	07.11.2014		DOE, Tamil Nadu
Gujarat	Data Provided and will be incorporated in GIS Environment	Shape File	08.12.2014	Some part of the cadastral data set is missing	GEC, Gujarat
Puducherry	Data Provided in GIS format	Shape File	02.02.2016	Data not available for Puducherry District	IRS, Anna University,

					Chennai
Diu & Daman	Data Provided in GIS format	Shape File	01.02.2016		Institute of Remote Sensing, Anna University, Chennai
Goa	Data Provided in GIS format	Shape File	29.11.2015	Data available only for 600 meter from the Coast, in part of Creek area data were not available	Government of Goa
Karnataka	Data Provided in GIS format	Shape File	7.10.2016	Data not available for 79 villages in 8 Taluks	Forest, Ecology & Environment Dept., Government of Karnataka
Andhra Pradesh	Data Provided in GIS format	Shape File	18.02.2016	Data not available for certain taluks	EFS & T Department, Government of Andhra Pradesh
Odisha	Data Provided and it will be incorporated in GIS Environment	Shape File	14.09.2015	Some part of the cadastral data set is missing	ORSAC, Government of Odisha
Maharashtra	Data Provided in non GIS format and cannot be used	PDF		Cadastral data received in PDF document, unable to bring in GIS environment	
West Bengal	Data Provided in non GIS format and cannot be used	PDF		Cadastral data received in PDF document, unable to bring in GIS environment	IESWM, Government of West Bengal
Kerala	Cadastral data not yet received		-		
Lakshadweep	Cadastral data not yet received				
Andaman & Nicobar	Cadastral data not yet received				

3.4 The status of ESA including CRZ IA for East & West Coast was reported as under:-

Indian Coast	State/UT	Final QC completed (%)	Final QC in Progress (%)	Estimated date of Completion of final QC	Expected Final State Verification
West	<i>Gujarat</i>	40	60	30 March 2016	20th April 2016
	<i>Daman and Diu (UT)</i>	50	50	30 March 2016	19th April 2016
	<i>Maharashtra</i>	30	70	30 March 2016	20th April 2016
	<i>Goa</i>	50	50	30 March 2016	20th April 2016
	<i>Karnataka</i>	60	40	30 March 2016	20th April 2016
	<i>Kerala</i>	30	70	30 March 2016	19th April 2016
East	<i>Tamil Nadu</i>	100	Completed	Completed	20th March 2016
	<i>Puducherry (UT)</i>	70	30	15th March 2016	8th April 2016
	<i>Andhra Pradesh</i>	70	30	15th March 2016	8th April 2016
	<i>Odisha</i>	100	Completed	Completed	20th March 2016
	<i>West Bengal</i>	50	50	18th March 2016	15th April 2016

3.5 The Authority was informed that the final maps for HTL demarcation shall be submitted to the Ministry by 31st March, 2016. Whereas, the final maps of Eco-sensitive Areas and CRZ-IA shall be submitted to the Ministry by 31st May, 2016.

3.6 The Member Secretary, Maharashtra CZMA informed to the Authority that they have engaged IRS, Chennai and CESS, Trivandrum for preparation of CZMPs as per the CRZ Notification, 2011, and the draft CZMPs prepared by these agencies have been forwarded to the NCSCM for verification of HTL, ESA and CRZ-IA. The verification of HTL demarcation as per CRZ Notification, 2011 was reported to be completed by 31st March, 2016.

3.7 The representative of UT of Andaman & Nicobar Islands submitted that the agencies empanelled by the Ministry did not respond to their request, and as such, the Ministry was requested to intervene. The NCSCM was entrusted with the task of preparation of Integrated Island Management Plans (IIMP) and Island Coastal Regulation Zone Plans (ICRZ) for Andaman and Nicobar Islands as per IPZ Notification, 2011 vide Ministry's letter dated 14th March 2014. A meeting was held on 22nd June, 2015 to discuss the draft IIMP/ICRZ in accordance with the provisions of the IPZ Notification 2011. The status of preparation of ICRZ/IIMP (Draft Stage) was reported as under:-

ICRZ plans completed for the following islands	IIM plans completed for the following islands
1. Long Island 2. Havelock 3. Neil Island 4. Little Andaman	1. Smith Island 2. Aves Island 3. Flat Bay Island 4. Rutland Island

Regarding expenditure on preparation of these plans, it was clarified that the cost shall be borne by the UT Administration of A&N Islands.

3.8 The NCZMA, while reviewing the status provided by the NCSCM, and SCZMAs expressed displeasure over the progress made by the Coastal States/UTs. The Authority opined that the delay in finalization of CZMPs as per CRZ Notification, 2011 has been resulting in many legal issues and other complications. The Authority directed the NCSCM, and the SCZMAs to expedite the process of finalization of CZMPs. The NCSCM was directed to consult the States/UTs and prepare a schedule for finalization of CZMPs for each State and UT. As directed, the NCSCM submitted the following timelines for HTL verification by the States/UTs:-

Timeline for verification of HTL by States/ UTs

S. No.	State/ UT	Final QC by NCSCM	CZMP 1996	Cadastral Data	Visit undertaken by State	Proposed timeline for visit to NCSCM	Field verification to be done
			(received by NCSCM from States)				
1	Daman & Diu	Completed	No	Yes	4th Mar	4th Mar	
2	Goa	Completed	No	Partially Yes	Yes	10th Mar	Yes
3	Maharashtra	Completed	No	No	Yes	11 & 12 Mar	Yes
4	Gujarat	Completed	Yes	Yes	Yes	14 & 15 Mar	Yes
5	Tamil Nadu	Completed	Yes	Yes	Yes	16th Mar	
6	West Bengal	Completed	No	No	No	17 & 18 Mar	
7	Odisha	Completed	Yes	Partially Yes	Yes	19th Mar	
8	Karnataka	Completed	Yes	Partially Yes	21 & 22 Mar	21 & 22 Mar	
9	Andhra Pradesh	Completed	Yes	Partially Yes	Yes	23 & 24 Mar	
10	Kerala	Completed	No	No	No	28 & 29 Mar	
11	Puducherry	Completed	No	Partially Yes	Yes		Yes

Timeline for Verification of ESAs by States/UTs

S. No.	State/UT	Estimated date of Completion by NCSCM	Proposed timeline for visit of States to NCSCM
1	Daman and Diu (UT)	12 th April 2016	18 th April 2016
2	Gujarat	16 th April 2016	20 th April 2016
3	Maharashtra	18 th April 2016	22 nd April 2016
4	Goa	20 th April 2016	25 th April 2016
5	Karnataka	20 th April 2016	28 th April 2016
6	Kerala	24 th April 2016	2 nd May 2016
7	Tamil Nadu	25 th April 2016	4 th May 2016
8	Puducherry (UT)	2 nd May 2016	6 th May 2016
9	Andhra Pradesh	5 th May 2016	9 th May 2016
10	Odisha	25 th April 2016	11 th May 2016

3.9 The NCZMA recommended that the Ministry should also take up the matter with the Coastal States/UTs to put in place the mechanism for reviewing the progress at the level of Chief Secretaries/Administrator. The Authority also noted that the West Bengal is lagging behind on the work of preparation of CZMPs. The WB CZMA was asked to expedite the submission of Cadastral data for their State in GIS format at the earliest and latest by 31st March, 2016 to NCSCM. The Authority recommended that all States/UTs should complete the work of preparation of CZMPs by 30th September, 2016.

3.10 *In view of the present scenario and the submissions/commitments made by the Coastal States/UTs, the Authority recommended for extending the validity of CZMPs already approved under the CRZ Notification, 1991 till 31st January, 2017.*

Agenda No. 4:

Progress made by SCZMAs in identification of violation cases and preparation of Coastal Zone Management Plan

4.1 The CZMAs have been constituted in different Coastal States/UTs by this Ministry under the Environment (Protection) Act, 1986, and in terms of the orders of the Hon'ble Supreme Court in WP No.664 of 1993, for regulation of activities in the CRZ area. The main function of these authorities is to enquire into the cases of alleged violation of the provisions of the CRZ Notification, 1991/2011 and take appropriate decision under Section 5, 10 and 19 of the Environment (Protection) Act, 1986. These authorities are empowered to enforce and monitor the provisions of the CRZ Notification, 1991/2011. A copy of the OM dated 7th November, 2008 explains functioning of the State/Union Territory Coastal Zone Management Authorities.

4.2 The NCZMA also took note that all such authorities have been issued directions under Section 5 of the Environment (Protection) Act, 1986 regarding identification of violations under the CRZ Notification, 1991 and initiation of action thereon. The directions issued by this Ministry vide letter dated 25th January, 2011 are:-

- (a) identify the violations of the Coastal Regulation Zone, Notification, 1991 and the above approved Coastal Zone Management Plan there under within their respective jurisdiction in a period of four months thereafter;
- (b) initiate action under the Environment (Protection) Act, 1986 upon the identified violations within four months thereafter;
- (c) upload the relevant details of the identified violations, including the action taken on the violations, as per paras (a) and (b) above on their respective, every fortnight.

4.3 As discussed and decided during the earlier meetings of NCZMA, the Authority was apprised that information in respect of identification of violation cases, and the action taken

thereupon, was requested vide letter dated 13th August & 11th September, 2015. However, the information could be received from only three States namely, Goa, Kerala and Tamil Nadu. The flow of information on the subject matter from the Coastal States/ UTs was thus noted as unsatisfactory.

4.4 The CZMAs appraised the Authority to strengthen the institutional arrangements for implementation and monitoring of the CRZ Notification, 2011. Since, adequate support in terms of infrastructure including technical manpower is not available with the most of the CZMAs, they sought intervention of the NCZMA to resolve. After deliberation on the issue, it was decided that the Ministry would write to all coastal State Government and UT Administration requesting them to ensure availability of adequate infrastructure and manpower with the CZMAs.

4.5 *On the request of representatives from the SCZMAs, the NCZMA suggested devising a format for reporting of identification of violation cases, and the action taken thereupon by the concerned coastal States/UTs and the CZMAs in the States/UTs.*

Agenda No.5

Re-consideration of the matters pertaining to development of an Engineering College at Adichannlor Village of Kollam District, Kerala

5.1 It was informed to the Authority that the matter pertains to construction of an Engineering College at Adichanallur Village, in Kollam District (Kerala) by M/s Quilon Educational Trust (QET). The Hon'ble High Court of Kerala vide their order dated 20th May, 2015 in WP (C) No.16706/2014 gave the following directions to NCZMA:-

'The National Coastal Zone Management Authority is directed to hear the Trust (the petitioners in WP (C) No.22890/2011) as well as the local residents (the Petitioners in WP (C) Nos.5421/2011 & 16706/2014) before granting clearance to the project as recommended in Ext. P6 in WP (C) No.16706/2014 by the Kerala State Coastal Zone Management Authority. A final decision in the matter shall be taken within a period of three months from the date of receipt of a copy of this judgement before the National Coastal Zone Management Authority'

5.2 The matter was placed before the Authority in its last meeting held on 15th October, 2015. The Authority decided to look into the issues in detail by a committee consisting of Shri Bishwanath Sinha, Joint Secretary in the Ministry, Member Secretary of KSCZMA and Shri Dipesh Mehta, one of the members of NCZMA, for further deliberations by the Authority. It was also decided that the Trust and the local residents (the Petitioners in WP (C) Nos.5421/2011 & 16706/2014) may be provided another opportunity of hearing by the said committee and put up its recommendations by 15th November, 2015. The Authority also desired that the proposed line of action may be informed to Hon'ble Court.

5.3 The committee had its meetings on 2nd December, 2015 & 12th January, 2016. The Committee, after hearing all the parties, was of the view that the CRZ Notification, 2011, provides for all developmental activities listed in the notification to be regulated by the State Government, Union Territory Administration, the local authority or the concerned CZMA

within the framework of such approved CZMPs. The Committee further opined that the matter needs to be decided on the basis of classification of the project site under the approved CZMP. In case there is a shift in HTL due to widening of the river, the State Government and/or the KCZMA should prepare the revised CZMPs and get approval from the Government of India immediately.

5.4 During the meeting, the representative of KCZMA submitted a report clarifying that the project site is not a part of the CRZ area in terms of the approved CZMP for the State of Kerala. The NCZMA decided for the sub-committee to deliberate on the report now presented by KCZMA, and to conclude its recommendations. The Authority also desired for another hearing opportunity to the petitioners and the respondents within 15 days.

Agenda No.6

Reclassification of the land of M/s Wadhwa Group Holdings Private Limited at Goregaon village, Goregaon (West) in Mumbai

6.1 The proposal involves reclassification of land admeasuring approximately 27,913.93 sqm bearing Plot No.2A and comprised in CTS No.1 (part) in Goregaon (West), Mumbai City of M/s Wadhwa Group Holdings Private Limited.

6.2 M/s Wadhwa Group Holdings Private Limited has filed a petition before the Hon'ble High Court of Bombay, challenging inclusion of a portion of the larger land within the CRZ (CRZ-II area) as per the Coastal Zone Management Plan for Mumbai City approved by Ministry in the year 2000. The said larger land abuts a Nallah/creeklet having average width of 40 m connected to Malad creek.

6.3 While deliberating on the proposal and submissions made by the MCZMA, the Authority noted the following:-

- In compliance of the orders of Hon'ble High Court of Judicature at Bombay in WP (L) 2351 of 2015 in the matter of 'Wadhwa Group Holdings Private Limited Vs Union of India and Others', the case was considered by the MCZMA in its meeting on 7th November, 2015.
- The plot bearing CTS No.1 (pt) situated on the Oshiwara Nalla falls in CRZ-II area as per the CZMP of Mumbai approved under the CRZ Notification, 1991.
- As per the CRZ survey report and map prepared by NIO, Goa (one of the authorized agency of MoEF&CC) in accordance with the provisions of the CRZ Notification, 2011, the site under reference does not fall in the CRZ. The said report is based on salinity criteria of less than 5 ppt, as contained in the CRZ Notification, 2011.
- MCZMA has decided to recommend the matter to this Ministry for confirmation of the Non CRZ status.
- No information was available with the MCZMA about classification of the site under reference vis-à-vis the CZMPs under preparation as per CRZ Notification, 2011.

- Hon'ble High Court vide their order dated 11th February, 2016 has granted eight weeks time to the Ministry to consider and dispose off the matter.

6.4 The NCZMA, after deliberations on the proposal, and in view of the commitment of MCZMA for verification of HTL demarcation under the CRZ Notification, 2011 for the State of Maharashtra by 31st March, 2016, observed that allowing reclassification of the proposed site as per the CZMPs approved under the CRZ Notification, 1991 would be infructuous at this stage. The Authority directed MCZMA to re-examine and reconcile the issue in the light of classification of the area under reference, as proposed in the draft CZMPs being prepared as per the CRZ Notification, 2011 and submitted to NCSCM, Chennai.

Agenda No.7

Proposal of CIDCO seeking permission for removal of mangroves from the six holding ponds at Dronagiri, Navi Mumbai

7.1 The Authority was informed that the City and Industrial Development Corporation Ltd (CIDCO) of Maharashtra CIDCO has approached to the Hon'ble High Court of Bombay seeking permission to remove mangroves for de-silting their six holding ponds in the Dronagiri layout in Navi Mumbai area. It was brought in to the notice of the Authority that in WP No.3246 of 2004, Hon'ble High Court of Bombay, vide order dated 6th October, 2005 has directed to freeze the destruction and cutting of mangroves in Maharashtra. The CIDCO approached Hon'ble High Court seeking permission for de-silting, and managing the ponds and channels through Notice of Motion. The Bombay Environmental Action Group (BEAG) is contesting these NOMs and they have made submissions to Hon'ble High Court of Bombay regarding reclamation of mangroves areas for constructing holding ponds at Dronagiri in Navi Mumbai by CIDCO, resulting in flooding of villages. BEAG has alleged that all activities of reclamation are in violation of the CRZ 1991 and CRZ 2011 notifications without any environmental or CRZ clearances. The Hon'ble High Court of Bombay has passed an order on 3rd July, 2013 and 14th August, 2013 with the following observations and directions:

- a) '*---in our view, therefore, the questions raised in these notices of motion are mixed questions of law and facts which need to be examined by Ministry of Environment and Forests. Assuming that the holding ponds and the mangroves are covered by the CRZ, the next question would be whether the CIDCO should be permitted to remove the mangroves from the holding ponds or any part thereof for the purpose of dealing with the problem of flooding of the nearby villages which is also a question to be considered by the Ministry of Environment and Forests granting clearance under CRZ notification dated 6 January 2011 to CIDCO to remove the mangroves will also have to be examined by MOEFCC.*'
- b) Upon CIDCO making an application to MoEFCC through MCZMA within two weeks from today seeking permission to remove the mangroves from holding ponds at Dronagiri in Navi Mumbai MCZMA shall consider the question of recommending the proposal of CIDCO to MoEFCC within three weeks from the date of receipt of the application.

- c) After receiving the recommendation of the MCZMA, within 4 weeks thereof, MoEFCC shall consider the application of CIDCO for permission to remove the mangroves from the holding ponds at Dronagiri after deciding the question whether holding ponds fall within CRZ area or not.
- d) Without prejudice to the rights and contentions of the CIDCO, it is clarified that it will be open to Bombay Environment Action Group to submit their representation to MCZMA and MOEFCC for opposing grant of any clearance for removal of mangroves sought by CIDCO.
- e) If such representation is made by Bombay Environment Action Group to MoEFCC and MCZMA, such authority shall take into consideration such representation.
- f) In case MCZMA and MoEFCC give any personal hearing to the CIDCO, such opportunity shall also be given to Bombay Environment Action Group. In such a case both the parties shall be heard in presence of each other, provided the parties co-operate.
- g) After MoEFCC decides the application of the CIDCO then any party aggrieved by the decision of MoEFCC will be at liberty to pursue its remedies in accordance with law.
- h) In case MoEFCC declares that the holding ponds fall within CRZ area or after holding that holding ponds do not fall within CRZ area yet allows removal of mangroves for the purpose of desilting the holding ponds, it would be open to CIDCO to do such removal of mangroves only for the purpose of desilting holding ponds and the channels subject to such conditions as may be imposed by the MoEFCC.

7.2 It was also informed to the Authority that the matter in the past has been examined in the Ministry wherein it was decided to refer to the Expert Committee headed by Dr. Shaliesh Nayak, former Secretary Ministry of Earth Sciences. The report of this Committee is under examination in the Ministry. This was informed to the Hon'ble Court. However, the Hon'ble Court vide order dated 11.02.2016, which is not yet available to the Ministry, has directed the Ministry to decide the matter within 4 weeks.

7.3 The Authority after taking a note of the above mentioned background requested Maharashtra CZMA to submit their views on the matter. The MCZMA made the following submissions:

- (i) On receipt of the application from CIDCO seeking permission to remove mangroves from the holding ponds at Dronagiri in Navi Mumbai, the MCZMA constituted a four member sub-committee for making inspection and submission of report. The sub-committee concluded that:-
 - a. The holding ponds of CIDCO in Dronagiri layout/ township were classified as non-CRZ areas, except for portions of pond nos.1 and 3, which were in CRZ-II, as per the CZMP mapped in 1996 and finally approved by MoEFCC in 2009.
 - b. The site visit by the MCZMA Sub-committee on 18.07.2013 revealed that most area of the ponds has thick growth of mangroves and the tidal water of the Karanja creek is entering the ponds.
 - c. CIDCO reports that the siltation and subsequent growth of mangroves in the ponds are due to the damage, malfunctioning and non-maintenance of the flap gates, which were constructed to prevent the entry of tidal water and flushing out

the flood water from the artificially created ponds to save the neighbouring villages from flooding during heavy rains.

- d. CRZ Notification, 2011, stipulates that ecological sensitive areas such as mangroves are to be classified as CRZ I. The MoEFCC in its clarification letter to the Hon'ble High Court clarified that the rule is applicable to the ponds as well. There is no differentiation made in the Notification between natural and artificial ponds.
 - e. There are dense mangroves fully grown in all the six artificial holding ponds indicating that they are coming under the category of CRZ-I (A). The CRZ will extend to 100 m or up to the width of the pond from the HTL. The water and bed of the ponds are covered under CRZ-IV. The Notification also stipulates that 'in case mangrove area is more than 1000 sqm, a buffer of 50m along the mangroves shall be provided'.
 - f. In order to regulate the area in the ponds and the CRZ and buffer zone falling around it a detailed mapping may be done.
- (ii) The report of the above mentioned sub-committee was deliberated by MCZMA, and in the process, both CIDCO and BEAG were given hearing opportunity by MCZMA.
 - (iii) As per the CIDCO submission before MCZMA, CIDCO in consultation with IIT Bombay developed six numbers of holding ponds. The holding ponds are connected to the Sea with a flap gate to prevent seawater entering the holding ponds. Over a period of time, due to mall functioning of flap gates, the mangroves seeds made their way into holding ponds and channels and proliferated due to siltration process. About 80% of holding ponds area is covered with mangroves and the capacity of the holding ponds is reduced from 455 million litres to 91 million litres. The consequence of uncontrolled growth of mangroves within the holding ponds and channels, the Navi Mumbai regions are flooded during monsoon. About ten villages are getting affected by these floods. The holding ponds are artificially created and are situated at a distance of about 12.5 km from sea. The draft Notification dated 15.9.2010 had included artificially created holding ponds as CRZ areas. However, pursuant to CIDCO objection word holding was deleted from the final notification. Therefore, it is apparent that only the natural ponds stand covered by CRZ and not the artificially made holding ponds. The holding ponds though connected to the sea, the flap gates prevent the tidal water. Hence, the holding ponds are not tidally influenced. Hence stated the artificially made ponds will not fall within CRZ.
 - (iv) As per the approved CZMP, out of six ponds, two ponds falls partly in CRZ-II and partly in non CRZ, rest falls in non CRZ area. However, presently all the six ponds are tidally influenced with presence of dense fully grown mangroves. Hence, forwarded to the Ministry for further decision in the matter.

7.4 After taking a note of the submissions made by MCZMA, the Authority decided to hear both the parties and a representative from CIDCO and BEAG were called for making their submissions before the Authority.

7.5 The representative from CIDCO Ms V. Radha, Joint Managing Director, submitted before the Authority that they had developed these ponds during the period 1970-1990, mainly for storm water management in the catchment of the above mentioned area. Total area covered by these ponds is about 220 ha, which are connected to channels having a width of

about 20 m with overall length of about 16 km. These holding ponds are connected to the creek through a flap gate at the outlet. The holding ponds are connected to the creek and the water from the holding ponds is discharged in the creek. The water received in the town of Navi Mumbai and the surrounding villages is drained to the holding ponds through channels preventing flooding of the city of Navi Mumbai and surrounding villages. Due to no de-silting and poor maintenance of flap gates, mangroves have grown in these ponds, resulting in flooding of the surrounding and the villages. The CIDCO emphasised upon the importance of these holding ponds and their immediate de-silting for protection of the villages of area from floods during the forthcoming monsoon.

7.6 The representative of BEAG, Shri Debi Goenka referred to the report to highlight that the area under reference was a low lying area and have been reclaimed by the CIDCO. The BEAG contend that mangrove in the ponds cover an area of more than 1000 sqm. and hence they are covered by clause 7 of CRZ Notification, 2011. The flooding of the villages at Dronagiri has started after the reclamation carried out by CIDCO. The flooding has not been caused by the mangroves. There is open creek area in the holding ponds, which is devoid of mangroves. CIDCO can de-silt and deepen if required to facilitate extra flow of water.

7.7 While deliberating on the proposal and submissions made by the MCZMA, CIDCO and the representative of BEAG, the Authority noted the following:-

- All the six holding ponds are as per the approved Mater Plan of the area
- As per approved CZMP for the State of Maharashtra (valid up to 31st January, 2016), out of 6 ponds, 4 fall beyond CRZ and part of 2 ponds fall within CRZ-II.
- Presently, the ponds are having tidal influence, hence would be identified as CRZ areas in the new CZMP under the CRZ Notification, 2011.
- Hon'ble High Court vide order dated 3rd July, 2013 has allowed removal of mangroves only for the purpose of de-silting the holding ponds and channels subject to conditions imposed by MoEFCC.
- During heavy rains, there is flooding in the area and a number of villages in low lying areas get affected causing extensive damage to the properties of the villagers.
- The villagers have been making representation for necessary steps to deal with the situation, and the only solution is to de-silt the holding ponds, requiring removal of mangroves.
- The lands surrounding the holding ponds are earmarked for project affected persons.
- Hon'ble High Court vide their order dated 11th February, 2016 has granted 4 weeks time the Ministry to decide the matter.

7.8 *The NCZMA, after deliberations on the proposal, decided to get a report from the State Government of Maharashtra in respect of frequent flooding of the area and importance of these holding ponds in protection of the habitation located in area, in the background explained above and the orders of Hon'ble High Court. On receipt of such a report, the matter shall be further considered by the Ministry. Matter be finalized before 31st March, 2016.*

Agenda No.8

Confirmation on the status of applicability of CRZ Notification for the plot bearing CTZ No.38(A) and 38(B) of Goregaon Village, P-South Ward, Goregaon (W), Mumbai.

8.1 The proposal involves reclassification of land plot bearing CTS No.38(A) & 38(B), Goregaon (W), Mumbai of M/s Omkar Realtors & Developers Pvt Ltd, located on the western bank of Oshivara Nala which joins the Malad Creek at about 000 km downstream. During the time of observation (11.30 am), the flow of water from Nala was found to be towards Malad creek. The Nala was carrying polluted water, mainly sewage.

8.2 M/s Omkar Realtors & Developers (P) Limited has filed WP (C) No.1247/2015 in Hon'ble High Court of Judicature at Bombay, with the prayer to declare that plot bearing CTS Nos.38A and 38B of Goregaon Village, P-South Ward, Goregaon (West), Mumbai is not affected by the CRZ-II Belt.

8.3 While deliberations on the proposal and submissions made by the MCZMA, the Authority noted the following:-

- In compliance of the orders of Hon'ble High Court of Judicature at Bombay in Writ Petition (L) 1247 of 2015 in the matter of 'Omkar Realtors Vs Union of India and Others', the case was considered by the MCZMA in its meeting in May, October and November, 2015.
- The plot bearing CTZ No.38(A) and 38(B) of Goregaon Village, P-South Ward, Goregaon (W) in Mumbai falls in CRZ-II area as per the approved CZMP of Mumbai under the CRZ Notification, 1991.
- As per the CRZ survey report and map prepared by IRS, Chennai in accordance with the provisions of the CRZ Notification, 2011, the site under consideration does not fall in the CRZ. The report is based on salinity criteria of less than 5 ppt, as per the provisions of the CRZ Notification, 2011.
- In view of the Ministry's OM dated 8th August, 2001 relating to 'Error apparent on face of records', a site visit was carried out by a committee constituted by MCZMA on 5th September, 2015.
- MCZMA has decided to recommend the matter to this Ministry for confirmation of the Non CRZ status.
- No information was available with the MCZMA about the status of classification of the site under reference vis-à-vis the CZMPs under preparation as per CRZ Notification, 2011.

8.4 *The NCZMA, after deliberations on the proposal, and in view of the commitment of MCZMA for verification of HTL demarcation under the CRZ Notification, 2011 for the State of Maharashtra by 31st March, 2016, observed that allowing reclassification of the proposed site as per the CZMPs approved under the CRZ Notification, 1991 would be infructuous at this stage. The Authority directed MCZMA to re-examine and reconcile the issue in the light of classification of the area under reference, as proposed in the draft CZMPs being prepared as per the CRZ Notification, 2011 and submitted to NCSCM, Chennai.*

Agenda No.9

Ratification of the approval of the Ministry regarding locations and quantity of sand extraction as recommended by IOM, Chennai in Non-eco Sensitive Zones of Andaman & Nicobar Islands

9.1 It was informed to the Authority that under the IPZ Notification S.O.20 (E) dated 6th January, 2011 as amended vide Notification No. S.O.2558 (E) dated 22nd August, 2013, mining of sand in non eco-sensitive zones is permitted only in identified and approved sites identified by the Institute for Ocean Management (IOM), Chennai. Further, the total quantity of sand to be mined shall be fixed taking into consideration the Order of Hon'ble Supreme Court dated the 7th May, 2002.

9.2 The IOM submitted the report for three islands namely, Diglipur, Little Andaman & Middle Andaman in Phase-I. As per the report of IOM, the Ministry, vide letter dated 9th November, 2015 has accorded approval for extraction of 10,745 cubic metre sand from the above three islands. The said approval was subject the ratification by the NCZMA.

9.3 The representation of AN CZMA submitted that the above quantity of sand has been allotted to different forest divisions for distribution among the public so as to meet demand of the local inhabitants for construction of dwelling unit. The IOM has carried out survey during December, 2015 of the sand accreting site and quantum of sand available in Havelock, Middle Andaman, Nicobar Divisions and South Andaman Division. The report on the survey carried out is awaited.

9.4 *The NCZMA, after taking a note of the above submissions, ratified the approval granted vide letter dated 9th November, 2015 for extraction of 10,745 cubic metre sand in three islands namely, Diglipur, Little Andaman & Middle Andaman in Phase-I.*

3. The meeting ended with a vote of thanks to the chair.

List of participants

I. NCZMA Members

1. Shri Ashok Lavasa, Secretary, MoEF&CC - In Chair
2. Shri Susheel Kumar, Special Secretary
3. Dr. A. S. Rajawat, Scientist G, SAC, ISRO, Ahemdabad,
4. Shri P. Pravin, ADG (MF), ICAR, Ministry of Agriculture, N Delhi,
5. Dr Debasish Roy, Sr Scientist, E&F Deptt Govt of Odisha
6. Dr. M.V. Ramana Murthy, Group Head, NIOT, Chennai
7. Dr. Veerendra Veer Singh, Scientist in charge, CMFRI, Mumbai
8. Shri Ramesh Ramachandran, NCSCM, Chennai
9. Shri Deepesh Mehta, Advocate, Mumbai
10. Shri Joseph SR De Souza, Chief Scientist, GCZMA
11. Shri Biswanath Sinha, Joint Secretary - Member Secretary

II. Representatives from Sate/UT CZMAs

1. Dr. B. N. Patil, Director, Environment Department Maharashtra
2. Dr. George Verghes, Member Secretary, KCZMA
3. Shri Sandipan Mukherjee, Chief Environment Officer, MS WBCZMA
4. Shri H. Malleshappa IFS, Director, Dept of Environment Chennai
5. Ms. Jayshree Andey, IFS APCCF, Andman Nicobar
6. Shri Pradeep Wabule, IFS DCF, Daman & Diu
7. Shri Vijay Kumar, IFS, Spl. Director Member Secretary KSCZMA
8. Dr. R. Sagaya Arfred, Sr Scientist Officer DST&E, Govt of Puducherry
9. Dr. P. Harinarayanan Scientist E, KSCSTE
10. Shri M. Rama Rao Spl Convener (OS), Govt of Andhra Pradesh

III. MoEF&CC

1. Shri S.K. Srivastava, Scientist E
2. Shri Shard Sapra, Scientist D