

Minutes of the 28th Meeting of the National Coastal Zone Management Authority (NCZMA) held on 28.04.2015 in Ministry of Environment, Forests and Climate Change, New Delhi

The 28th meeting of the National Coastal Zone Management Authority (NCZMA) was held in the Ministry of Environment, Forest and Climate Change (MoEFCC) on 28.04.2015. Shri Ashok Lavasa, Secretary (EF&CC) chaired the meeting. List of participants of the meeting is at Annexure-I. At the outset, the Chairman welcomed the members of the reconstituted NCZMA.

2. The Authority took up the agenda items one by one. The details of discussions held on the agenda items are as follows:

(i) Agenda item No. 1: Confirmation of the Minutes of the previous Meeting

Shri Bhiswanath Sinha, Joint Secretary & Member Secretary, NCZMA informed that the 27th Meeting of the NCZMA was held on 25th June, 2013. The Authority has not received any comments or suggestions on the minutes of the 27th Meeting of NCZMA. Thus, the same may be taken as confirmed. This was agreed. The Chairman directed that the meeting of NCZMA should be convened at least once in six months.

(ii) Agenda item No. 2. Action taken on the Minutes of the previous Meeting.

The Member Secretary NCZMA informed about the action taken on decisions of 27th meeting of NCZMA. The item-wise details of discussions held are as given below:-

- a) **2.1 Reclassification of Coastal Regulation Zone (CRZ) areas on the ground of 'error evident on record' as recommended by Maharashtra Coastal Zone Management Authority (MCZMA) & matter related with the order of Hon'ble High Court of Bombay in Writ Petition No. 953/ 2012 filed by Shri Sai Sagar Consultant Vs UOI regarding reclassification:**

It was informed that validity of Coastal Zone Management Plans (CZMPs) already approved by MoEFCC has been extended up to 31.01.2016. Thus, no further action is required on this item.

- b) **2.2 Consideration of proposals for authorization of Institutes / Agencies for demarcation of High Tide Line (HTL)/Low Tide Line (LTL):**

The Member Secretary NCZMA informed that proposal of authorising additional agencies including ORSAC, Bhubaneswar is under consideration of the Ministry and would be decided based on the recommendation of NCZMA. The Chairman enquired about the procedure for demarcation of HTL and LTL and the criterion for identification of the institution. It was informed that issue of authorizing agencies for demarcation of HTL and LTL along with CRZ was discussed in 26th meeting of NCZMA held on 27.11.2012. It was decided in this meeting that a committee with NCSCM Chennai, SAC Ahmadabad and NHO, Dehradun be constituted to formulate guidelines and norms to identify institutes for demarcation of HTL/LTL. The norms and guidelines prepared by the above Committee were discussed in 27th meeting of NCZMA held on 25.06.2013. Further, it was decided to constitute a separate Committee under the Secretary (Earth Sciences) with representative of all eight authorized agencies for standardization of procedure/ methodology for demarcation of HTL/LTL. NCSCM, Chennai was requested follow up the matter with the Ministry of

Earth Sciences (MoES). The representative of NCSCM informed that the manual for procedure for demarcation of HTL and LTL is being finalized and would be submitted to the Ministry in a month. With regard to identification of institution the authority felt that there is need to develop the mechanism for identification and empanelment of the Institutes for demarcation. It was decided that the Ministry may propose a Committee comprising of MoES and other empanelled Institutions. The Committee constituted in accordance to the above mentioned norms and guidelines for identification of agencies/intuitions should scrutinize the capability of the Institutions and submit its recommendation for consideration of the NCZMA. Such proposal pending in the Ministry should be considered accordingly.

c) 2.3 Request from Andaman & Nicobar Islands for extension of validity of existing CZMPs for a further period of two years & inclusion of two more islands under ICRZ category:

As recommended by the Authority, the Long and Neil islands have included under Island CRZ category vide amendment - S.O 2558 (E) dated 22.08.2013 to the Island Protection Zone Notification, 2011. The validity of the CZMPs approved in 1996 has been extended till 31st January, 2016.

d) 2.4 Progress made by SCZMA's in preparation of CZMPs as per CRZ Notification, 2011:

The Member Secretary informed that the issue is part of agenda of the meeting and NCSCM and SCZMA's present for this meeting would appraise the status.

e) 2.5 Progress made by SCZMAs in identification of violation cases:

The Member Secretary informed that the item is part of agenda of the meeting and SCZMAs present for this meeting would appraise the status.

f) 2.6 Representation of Property Developers Association Mumbai forwarded by Maharashtra Coastal Zone Management Authority (MCZMA) regarding norms for redevelopment of old and dilapidated buildings:

The Member Secretary informed that under the CRZ Notification, 2011, norms that prevailed as on the date of grant of approval are applicable for the redevelopment of old, dilapidated building in Greater Mumbai. However, vide Corrigendum dated 29.03.2011, the norms as on the date of notification i.e. 6th January, 2011 have been made applicable for such redevelopments. The Property Developers Association (PDA) has requested to allow the amendment dated 21st May, 2012 of Urban Development Department on Development Control Regulation which provides 300 sqft area for the tenants of in case redevelopment of old and dilapidated buildings. It was decided that the MCZMA may examine the request of PDA and send its recommendations along with the details of the prevailing FSI, implication of the amendment on the FSI, etc. It was also decided to constitute a committee comprising of Chairman, MCZMA and Member Secretary (MCZMA) along with one expert member from MCZMA to examine the issue. Inter-alia, this committee may keep in view any relevant Court judgments. Meanwhile, a Writ Petition namely WP (Civil) 2035 of 2014 was filed by Orbit Corporation Ltd, challenging the modification made regarding the cutoff date in the corrigendum dated 29.03.2011. The Hon'ble High Court of Bombay allowed this

petition and has set aside the modification in the corrigendum as it is without any authority of law.

g) 2.7 Issues relating to "error apparent on record".

The Member Secretary NCZMA informed that the item is part of agenda of the meeting and matter will be taken up for discussion.

(iii) Agenda item No. 3: Progress made by SCZMA's in preparation of CZMPs as per CRZ Notification, 2011.

(a) Odisha: The representative of Odisha CZMA informed that Odisha Space Application Centre (ORSAC), Bhubaneswar has prepared CRZ maps in 1:25,000 scale for their State of Odisha (altogether 87 maps) classifying CRZ I, II, III and IV using LISS-IV(2012) data and mapping of HTL and LTL with the help of Space Application Centre (SAC). The preliminary maps were prepared showing HTL/LTL all along the coast using Resourcesat-1 LISS-IV data of 2012 as per the guidelines of MoEFCC. The necessary ground tooting has been made. The maps were finalized by ORSAC after necessary scrutiny and guidance by the scientist of SAC from time to time and the quality check has been completed. The HTL and LTL has been demarcated by the Scientists of SAC on the land use maps of the entire State. The soft copies of the maps were sent to all concerned Departments of State Governments and Collectors of coastal Districts, soliciting their views/ comments/inputs especially regarding the existing infrastructure they have in the coast and proposed projects, if any, to be undertaken under their jurisdiction inner future. Simultaneously consultation meetings were taken up by the District Coastal Zone Management Committees with stakeholders at the District levels.

The above CZMP prepared as per CRZ Notification 2011, by ORSAC, Bhubneswar on WGS datum in 1:25,000 scale (digitized from. Shp file) have been submitted to NCSCM for necessary action. The response from NCSCM is awaited. The response received from the stakeholder departments at State level and the stakeholder meetings held at District level, along with the CZMP and the maps will be submitted to OCZMA for their appraisal in a special meeting to be convened only after the receipt of response from NCSCM. Thereafter the above records along with the authentication given by SAC will be submitted to MoEFCC for their approval.

(b) Tamil Nadu

The HTL maps and a map showing the ecological important places have been forwarded to the NCSCM as requested by MoEF., GoI in Ir. No. F-11/04/2011-SICOM dated 07.10.2014 and NCSCM' letter No. 14-1808 dated 14.10.2014 for validation. On receipt of these maps after verification by MCVSM, action will be taken to finalize CZMP.

(c) Puducherry: The Government of Puducherry has issued work order to Institute of Remote Sensing (IRS), Anna University on 24.11.2014 for preparing Coastal Zone Management Plan for Puducherry as per CRZ notification, 2011. This project is being implemented by the Project Implement Agency, Puducherry with the financial assistance of World Bank under Coastal Disaster Risk Reduction Project. The total cost of this project is Rs. 69.66 lakhs. The IRS has conducted field studies for demarcation of HTL and LTL in Puducherry & Karaikal Regions during 26th-31st March, 2015. The map preparation is under progress.

(d) Goa: The Goa Coastal Zone Management Authority (GCZMA) has awarded the work of preparation of CZMP as per guidelines provided in the CRZ Notification 2011 to the national Institute of Oceanography (NIO), Goa and has already issued work order on 05.12.2014. Meanwhile, the MOEFCC has assigned the task of demarcation of HTL to NCSCM, Chennai along with latest maps on 1:4000 cadastral scale in digital form after obtaining satellite imagery from National Remote Sensing Centre, Hyderabad to carry out Geo reference with Ortho-maps generated by Survey of India (SoI). The NCSCM has sought for maps available with GCZMA. All the necessary maps available with GCZMA including maps generated by the NRSC (using remote sensing instruments) for coastal as well as river/ creeks/estuarine area has been forwarded to NCSCM. Once the necessary exercise has been completed by NCSCM, the GCZMA will forward the necessary details to NIO, Goa for preparation of the CZMP for the State of Goa.

Kerala: The draft CZMP in respect of Kasargod, Kannur, Kozhikode, Malapuram, Trissur and Kottayam in 1:25000 scale will be finalized after field verification, which is being carried out. The first draft of CZMP of six districts will be submitted to Kerala State Council for Science, Technology and Environment (KSCSTE), Thiruvananthapuram in June, 2015. The cadastral data bases of all districts are also being generated.

(iv) Agenda item No. 4: Progress made by SCZMAs in identification of violation cases:

(a) Odisha The Collector and District Magistrates of six coastal districts of Odisha (Puri, Ganjam, Kendrapada, Jagatsinghpur, Balasore and Khurda) were requested to cause an enquiry into alleged activities/ illegal constructions from time to time and furnish an Action Taken Report. Altogether 63 Nos. of allegation of CRZ violation were received since 2001 out of which 44 are from Puri Districts and involve illegal constructions of buildings and roads and aquaculture ponds, etc. The nine allegations were received from Ganjam districts, which include illegal building construction at Gopalpur, encroachment of island inside Chilika lagoon near Rambha. The four allegations were received from Balasore district which are basically illegal constructions at Talasari, Udaypur and Jaleswar. The five allegations were received from Jagatsinghpur and Kendrapada regarding construction of prawn gheries, unauthorized construction and illegal mining of sands. One allegation was reported from Khurda district regarding illegal operation of Tourist Resort at Sanakuda in Chilika. The Puri Konark Development Authority has taken steps for demolition of several unauthorized structures in Puri. This part, Hon'ble NGT is following the action taken against CRZ violators in OA No. 110/ 2013. Recently Collector Puri has filed 17 Nos. of prosecutions before the SDJM Puri under section 19 of the Environment (Protection) Act, 1986 against the violators for committing offence under CRZ regulations at Puri (list enclosed at Annexure-II).

(b) Tamil Nadu: It was informed that the Government of Tamil Nadu has constituted District Coastal Zone Management Authorities (DCZMAs) for all the Coastal districts in G.O.Ms. No.163 Environment and Forests Department dated 09.06.1998. These DCZMAs function under District Collectors of respective coastal districts. The concerned District Environmental Engineer of the Tamil Nadu Pollution Control Board is the Convener for these Authorities. These DCZMs are responsible for monitoring and enforcement / implementation of the provisions of the CRZ Notification and to ensure that the activities within CRZ take place as per approved Management Plan in their respective jurisdiction. In respect of CMDA areas, the CMDA and the Corporation of Chennai have been made responsible for the enforcement of provisions of CRZ Notification 2011. The State Government has directed all Coastal District Collectors/ Corporation of Chennai & CMDA

have been requested to identify violations on CRZ Notification 2011 and to take action on such violations.

(c) Goa: The Goa CZMA has forwarded the status report. As per the report, GCZMA initiates necessary action as per nature of complaint received by it. In prima facie cases of CRZ violations, GCZMA directly issues show cause notice cum stop work order to violator including directions under Section 5 of the Environment (Protection) Act, 1986 to the concerned authorities. Further, in some cases the GCZMA forwards the complaints for inquiry Committee of GCZMA headed by the retired District Judge (duly constituted by virtue of order passed by the Hon'ble NGT in the matter of Bettly Alvares v/s. State of Goa in Application 63/2012). It is also forwarded to concerned Deputy Collector and Coastal Village Panchayats for enforcement of Stop Work at site and to submit Action Taken Report within stipulated time period. Besides the above, the GCZMA has time and again issued various directions under section 5 to all authorities i.e. office of Local Panchayats, office of municipal authorities, office of Block Development Officer, office of Collector at District level office of Deputy Collector and SDO and other authorities having jurisdiction in Coastal areas to deal effectively with the CRZ violations.

(d) Puducherry: Regarding identification of CRZ violations, the Regional Planning Authorities have been instructed to identify CRZ violations and furnish monthly reports. Violations identified are uploaded in PCZMA website.

(e) It was informed to the Authority that the Special Secretary (EFFCC) took a meeting with SCZMAs and reviewed the status of preparation of CZMPs. It was decided to make uniform HTL and LTL for country. The NCSCM was asked to demarcate the HTL and LTL and provide the same to the SCZMAs for further preparation of CZMPs. The representative of NCSCM informed the status of HTL and LTL demarcation of the Country. The status as provided by NCSCM is placed at Annexure-III. The Authority suggested that since many of the SCZMAs have not attended the meeting, the Ministry should hold a separate meeting with all the SCZMAs on these two items – preparation of CZMP and action taken on violation and the status obtained so should be placed before NCZMA in the next meeting.

(v) Agenda item No. 5: Issues relating to "error apparent on record".

5.1 Reclassification of Agricultural land at Village Dhokawade Taluka Alibag, Raigad District, Maharashtra: Delineation of and resurvey of agriculture land at Village Dhokawade, Taluka Alibag, District Raigad- Error evident on records-Dhokawade village

(i) The Authority was informed that above proposal is for reclassification of part of land from CRZ-I to CRZ-III. Earlier, a number of proposals were received for reclassification of CRZ area/ deletion of plots from CRZ purview. The proposals were discussed by NCZMA in various meetings. In the 21st meeting of NCZMA held on 19.04.2011 (first meeting after the issue of CRZ Notification, 2011) and 22nd meeting held on 30.05.2011, the authority felt that as the CRZ Notification, 2011 has been issued, it would be desirable to consider such cases in the light of the new Notification as there is a danger of regularization of violations through such reclassifications. It was also decided to freeze CZMPs as approved in 1996 and the pending reclassification proposals should be returned to respective SCZMAs with a suggestion that while preparing the CZMPs under the new CRZ Notification, 2011, the concerned issues could be addressed.

(ii) It was also decided that it might be necessary to consider cases where there is error apparent on face of record. Accordingly, all the pending proposals were returned to the respective State Coastal Zone Management Authorities. An OM in this regard was issued on 1st July, 2011. Further, an office order on procedures to be followed in reclassification on the grounds of "Error apparent on the face of the Record" was issued on 08.08.2011.

(iii) The progress in preparation of new CZMPs was reviewed by the NCZMA, then Secretary (E&F) and AS (SS) and noted that SCZMAs have not completed the CZMPs. Therefore, the validity of approved CZMP has been extended till 31st Jan, 2016. Further, since there is delay in preparation of new CZMPs, many proponents approached High Court to decide the location of plot with respect to CRZ and in few cases; the Hon'ble High Court of Bombay has passed order based on the report of the authorized agencies. Example, M/s Sri Sai Sagar Consultants approached High Court of Bombay that based on the demarcation done by two authorized agencies, the site falls beyond 500 m from HTL. The Hon'ble High Court vide order dated 25.03.2013 ordered the MCGM to consider the plot location out of CRZ. In view of the delay in submission of CZMP, the proponents requested for consideration of proposal as 'error apparent on face of the record'.

(iv) The matter was again deliberated by the National Coastal Zone Management Authority (NCZMA) in its meeting on 25.06.2013. It was decided that Maharashtra Coastal Zone Management Authority (MCZMA) should examine the proposal based on maps / basic imagery which was used for the preparation of Coastal Zone Management Plans in the year 1996 and submit with clear and specific recommendations in line with MoEF's OM dated 08.08.2011 issued on procedures to be followed in reclassification on the grounds of "Error apparent on the face of the Record.

(v) MCZMA has submitted a proposal with regard to Agricultural land at Village Dhokawade Taluka Alibag, Raigad District, Maharashtra. The MCZMA vide letter number MCZMA-2013/CR67/MCZMA dated 02.12.2013 informed that:

- a) Based on the request of the Grampanchayat Dhokawade, Taluka Alibag, District Raigad; Deputy Director, Town Planning had submitted a report (vide letter dated 08.08.2008) to Urban Development Department, Govt. of Maharashtra to do the necessary correction in HTL and reclassification of the agriculture land through Space Application Centre (SAC), Ahmedabad.
- b) As per the MoEF approved CZMP of Maharashtra, the survey numbers under consideration are in CRZ-I and CRZ-III. Since some portion of the village land on the landward side of the Mandva, Alibag Road is demarcated as CRZ-I and described as mudflats, the farmers of this land are not allowed to carry out activities related to agriculture. As per the report of Town Planning, the Kharland Department has done repairing work of Tidal Shutters/ Gates recently to minimize ingress of sea water into Paddy fields.
- c) To enable agriculture related activities in the said area, Sarpanch of Village Dhokawade requested for resurvey of the area through Space Application Centre, Ahmedabad. However, list of the survey numbers to be resurveyed was supposed to be confirmed with Collector, Raigad by District Town Planning Department, if resurvey is allowed.
- d) The matter as above was considered in the 49th meeting of MCZMA held on 24th February 2009. As per the minutes of the 49th meeting, Authority decided to allow

resurvey of the proposed area through one of the agencies authorized by MoEF (vide letter dated 17.03.2009), subject to the conditions that:

- i. List of the survey numbers to be resurveyed should be obtained from District Collector.
 - ii. Image showing existence of bund on the site, prior to 1991.
- e) Accordingly, the Group Grampanchayat, Dhokawade (vide letter dated 16th June 2010) and the Project Consultant appointed (vide letter dated 25th June 2010), have submitted the CRZ survey report from NIO, Goa. The conclusions drawn as per the NIO report are as follows:
- i. Ground truth survey for mapping was carried out in the area, proposed for the resurvey as per the submitted 7/12 extracts of Dhokawade Village, during the period 24.11.09, 25.11.09 and 22.01.2010.
 - ii. The whole area on the eastern side of the existing water channel appears to be as wetland in monsoon and in the immediate post monsoon season, mainly due to agricultural activity, and as dry land in other seasons.
 - iii. As per the satellite image of 13th April 2010, the project site is generally a low lying plain area and presently almost completely dried out except along some part of the two main water channels.
 - iv. When visited the site on 22.01.2010, it is observed that agricultural practices for next season such as filling, etc. are being carried out on the land in eastern side of the bigger storm water channel.
 - v. It is also observed that Kharland Department of Government of Maharashtra has erected tidal shutters to prevent tidal water from entering in to the above said lands. They are still under control and proper maintenance of the Karland Department.
 - vi. The above said lands under resurvey are being utilised for agricultural purpose.
- f) With respect to the "NIO report, the matter was sent to Urban Development Department, Govt. of Maharashtra for their remarks. The Urban Development Department, in the remarks, has emphasised on the conclusion points of NIO report. As per remarks of Urban Development Department, the matter was placed in the 65th meeting of MCZMA held on 9th September 2010 for appropriate decision with respect to NIO report.
- g) In the meeting, MCZMA noted that, as per the approved CZMP, the land is in CRZ-I (i), CRZ-I (ii) and CRZ-III. The officials of Town Planning, Konkan presented the case before the Authority along with village maps. They informed that, old 7/12 extract shows the said area as "Agriculture Land." However due to improper maintenance of bund and tidal shutters, the said area came under the ambit of CRZ as a consequence of seepage of sea water (i.e. salinity ingress) in the agricultural land. Authority discussed at length about the CRZ status of the said area. Authority mainly emphasized on the conclusions of NIO report and photographs showing the current scenario of the land. As per the NIO survey, land is in CRZ-I (i), CRZ-I (ii), CRZ-III and non-CRZ. Authority has not visited the site.
- h) As per the decision taken in the 65th MCZMA meeting, the matter was recommended to NCZMA (vide letter dated 25th November 2010) along with NIO report for further necessary action in the matter.
- i) In the light of MoEF's office memorandum dated 8.8.2011, site was visited by a multidisciplinary sub- committee appointed by the MCZMA. The committee also comprised of a third party expert agency, IRS, Chennai.

- j) Further, IRS, Chennai submitted the report to MCZMA and it was placed before 74th meeting of MCZMA held on 23.4.2012. As per the IRS, Chennai report 'the land under reference falls in CRZ I as per approved CZMP'. Google image of 2003 show much of the low lying plains of the study area as water logged as in the coastal land use map. However, Google image of 2011 and during field visit it was observed that some stretches of the land are being used for agriculture. Leaving the mangroves along the small channels running from the creek and after excluding the necessary buffer zone, the exact area to be reclassified into CRZ III, may kindly be ascertained based on the CRZ report submitted by NIO, Goa in June 2010.
- k) The State Authority decided to send the report of IRS, Chennai along with its observations related to above cases to MoEF / NCZMA, New Delhi for further appropriate decision on merit.
- l) MOEF has written a letter No. D. O. J-17011/18/96-IA.III dated 23 08.2013 to SAC, requesting SAC, to provide time series maps for the period between 1991 to 1996 for Error Evident Proposals.
- m) MOEF vide letter July 31, 2013 mentions that MCZMA shall examine the cases and submit the proposal to NCZMA based on maps using the same basic imagery which was use for the preparation of CZMPs in the year 1996, as per Office Memorandum dated 08.08.2011.
- n) The MCZMA vide letter dated 15.10.2013 again requested SAC, Ahmedabad to handover the data and Satellite imageries of the proposal, based on which the old CZMP of the area was prepared. Accordingly, the SAC handed over Dhokawade village coastal and use map in 1:25,000 scale based on the data source (satellite imagery) of the year 1989-1991.
- o) The Authority deliberated and discussed the Dhokawade village coastal land use map in 1:25.000 scale prepared based on the data source of the year 1989-1991 by SAC and noted that it is a large scale map and apparently, the area under reference is categorised as a "mudflat" in it.
- p) In the light of above, the Authority after detailed discussion and deliberations recommended forwarding the above matter to National Coastal Zone Management Authority along with the coastal land use map for further appropriate decision in the matter.

(vi) Taking into account the report of NIO, IRS and SAC, Ahmedabad and comments of UDD, Town Planning, Konkan, the Authority after deliberation decided to recommend the reclassification of area excluding mangroves along with buffer area from CRZ-I to CRZ-III. The MCZMA shall make necessary changes/ modifications in CZMP as per existing IRS & NIO and consider those areas as CRZ-III. Other Survey numbers would fall in CRZ-I, CRZ-III and outside CRZ as per IRS/NIO report. MCZMA to ensure mangroves and above demarcations are clearly marked in new CZMP.

(vi) Agenda item No. 6: The Authority did not receive any suggestions regarding additional item for discussions.

The Meeting ended with vote of thanks to the Chair.
