

Minutes of the 25th Meeting of the National Coastal Zone Management Authority (NCZMA) held on 16.07.2012 in Ministry of Environment and Forests, New Delhi

The 25th Meeting of the National Coastal Zone Management Authority (NCZMA) was held on 16.07.2012 at 3.00 P.M. under the chairmanship of Secretary (E&F). At the outset, the Chairman welcomed the Members and request the Member Secretary, NCZMA to take up the agenda items one by one.

Agenda Item No. 1. : Confirmation of the Minutes of the previous meeting

Joint Secretary MoEF/Member Secretary, NCZMA, observed that as no comments/suggestions have been received on the Minutes of the 24th Meeting held on 24.01.2012, these may be taken as confirmed. This was agreed to.

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

In the previous meeting, the steps taken by various States for preparation of Coastal Zone Management Plans (CZMPs) as per the CRZ Notification, 2011 as also the progress made by the State Coastal Zone Management Authorities in identification of violations under the CRZ Notification, 1991 were reviewed. SCZMAs which do not have their own websites were advised to create their own dedicated websites for interface with public. SCZMAs were also advised to send complete details of violation cases and submit CZMPs in a phased manner for appraisal by NCZMA/ MoEF so as to ensure their approval before January, 2013. It was pointed out by the Member Secretary that the update in this regard is awaited from most of the SCZMAs. A separate review meeting with the SCZMAs will be convened shortly for this purpose.

Agenda item No. 3 Consideration of proposals/issues on CRZ, from various State Coastal Zone Management Authorities (SCZMAs)

- (i) Andaman & Nicobar – Amendment to the Island Protection Zone Notification, 2011.**

The A&N Admn has requested for amendment to the IPZ Notification, 2011 on the following issues :-

- a. Inclusion of four more Islands under ICRZ
- b. Reclassification from Developed semi-urban and rural area as CRZ-II instead of CRZ –III
- c. Relaxation of ‘No Development Zone’ for Tourism purpose
- d. Permission for Sand extraction

The Authority noted that the A&N CZMA is under reconstitution. Hence the proposals have been sent by A&N administration. A presentation on the proposed amendments was made by the Chief Conservator of Forests, Andaman & Nicobar.

(a) Inclusion of four more Islands under ICRZ:

It was pointed out that the Island Protection Zone Notification, 2011 provides for two separate approaches for environment management in the A&N islands. One is in the form of Integrated Coastal Regulation Zone (ICRZ) for four large islands, namely North, Middle and South Andaman and Great Nicobar and the other through Integrated Island Management Plan (IIMP) for the rest of the Islands. Under ICRZ, the regulations are similar to the Main land Notification. The No Development Zone (NDZ) in CRZ-III is 200 m. In the IIMP, the NDZ will vary from area to area depending upon topography, hydrology etc.

According to Andaman & Nicobar administration, on map the North, Middle and South Andaman look like three large isolated islands. However, there are, in fact, many inhabited, medium and small islands such as Baratang Islands, Havelock islands and Little Andaman Islands contiguous to the above three large islands.

The Baratang Island lies between South and Middle Andaman, separated by very narrow creeks on both the sides and has an area of 297.60 Sq.Km . Because of its beautiful beaches, mangrove creeks, mud volcanoes and limestone caves , this island has become a major tourist attraction.

Havelock Island with an area of 113.93 Sq.Km, is the most developed island in terms of tourist infrastructure and facilities and is just 50 Km by sea from Port Blair.

Little Andaman with an area of 734.39 Sq. Km located south to the South Andaman Islands has large settlements with people from erstwhile East Pakistan and other places settled under rehabilitation programme of Govt of India.

Car Nicobar island with an area of more than 100 Sq. Km. lies south of Little Andaman. Car Nicobar is the headquarters of Nicobar District. Car Nicobar has much larger settlement than Great Nicobar Islands.

The forest area and population of the four islands as per the provisional 2011 census are:

S. No	Name of Islands	Geographic Area(in Sq.Km)	Forest Area (in Sq.Km)	Forest area as % of Geographical area	Provisional Census (2011)
1	Baratang	297.60	283.20	95.16	7,800
2	Havelock	113.93	95.60	84	5,600
3	Little Andaman	734.39	700.05	95.32	13,000
4	Car Nicobar	126.91	126.91 (Tribal reserve)	96	22,000
	Total	1272.83	1199.76	94.25	48,400

It was stated that the four Islands viz. South Andaman, Middle Andaman, North Andaman and Great Nicobar have been brought under ICRZ category in view of the large geographical area of these Islands. The four proposed Islands also qualify to be brought under the same category because of their size and status of development.

It was noted that the Administration has not started the preparation of ICRZP for the four islands which are under ICRZ approach. It was informed by the representative of the A&N that the work is pending since Hazard line mapping by Survey of India is yet to be carried out. It is noted that the Hazard line mapping/ HTL /LTL demarcation by Survey

of India (SOI) for the main land is nearing completion and thereafter start for the islands. However, it was clarified that the A&N Administration need not link Hazard line by SOI mapping with HTL /LTL demarcation. The HTL/LTL demarcation can be done by any authorized agency. The Authority suggested the A&N Administration to expedite the HTL /LTL demarcation and preparation of ICRZP.

A&N Administration mentioned that they will consider only eco-tourism projects no industrial development will be undertaken in the four islands.

It was noted that in addition to the proposal of including the four islands under ICRZ, the Administration also proposed for restoration of 50 m as NDZ against the 200 m for tourism activities. The Chairman pointed out that the eco-tourism projects may affect coastal villages especially fishermen community. The Administration need to define eco-tourism and consider only eco- tourism activities in the reduced NDZ.

The authority after detailed discussion, decided to recommend inclusion of four islands under ICRZ. However A&N administration would submit a detailed note defining eco- tourism and provide an undertaking that only eco- tourism activities will be considered in the reduced NDZ. The administration shall also ensure that the livelihood/concerns of fishing community are fully protected.

(b) Reclassification of developed , notified revenue villages as ICRZ-II instead of ICRZ -III

CCF, A&N informed that IPZ Notification ,2011 provides that the coastal areas in ICRZ category that have been developed upto or close to the shore line within the existing municipal limits or other existing legally designated urban areas which are substantially built up and have been provided with drainage and approach road and other infrastructure facilities such as water supplies and sewerage mains, shall be categorized as ICRZ-II. As such in the context of Andaman & Nicobar, the capital city of Port Blair only qualifies as ICRZ-II and all other area in the Islands would come under ICRZ III. Therefore, stipulation of 'No Development Zone*' of 200 metre applicable to ICRZ-III will restrict use of coastal areas for various developmental purposes.

Principal Secretary(Finance, A&N informed that in A& N, 86.93% of the entire landmass is classified as Notified Reserve/ Protected Forest. 2.6% is Deemed Forest and when 4.72% of area under Water bodies, Mud flats, inter-tidal zone etc. is added , hardly 6% of total areas of the islands is actually available for development. Secondly by virtue of 87% landmass being under protected area network, most of its 1962 km. long coast line along these will come under ICRZ-I will come under ICRZ-III. According to Andaman & Nicobar administration inclusion of Revenue settlements in ICRZ- II would allow them to carry limited development work particularly in the field of fisheries and nature- based tourism, the only sectors which can generate employment opportunities in these islands. There are existing / inbuilt restrictions under the Environment (Protection) Act, 1986 as well as the IPZ 2011 for large constructions. Further there are existing restrictions on conversion of land use. Hence even if revenue villages are classified as ICRZ-II instead of ICRZ-III, there is no possibility for big developers to start acquiring village land and undertake large constructions affecting the livelihood of local communities and also the environment.

CCF, A&N stated that in view of the above facts, the Andaman & Nicobar Administration proposes reclassification of villages notified as development area for the purpose of Master Plan as ICRZ-II.

Chairman clarified that the reclassification of CRZ areas is not considered in view of the preparation of new CZMPS/ICRZP under CRZ/IPZ Notification, 2011. The Authority suggested the A&N administration to consider the above requirement while preparation of the ICRZP and incorporate the requirements with proper justification.

(c) Restoration of 'No Development Zone' of 50 M for Tourism

CCF, A&N informed that to facilitate tourism 'No Development Zone' was reduced from 200 meter to 50 meter through amendment to the CRZ notification 1991 in the year 2003.. This relaxation was given to Andaman & Nicobar considering the topography and acute shortage of land on account of 94% of the geographical area not being available for developmental purpose. Since then tourism projects have come up following 'no-development zone' of 50 meters. However, in the IPZ notification of 2011, the 'No

Development Zone ' is again kept as 200 mts. Andaman & Nicobar administration feels that reverting back of NDZ from 50 to 200 mts has left practically no space even for development of essential infrastructure . This is a setback to the for tourism development, the most important sector that provides livelihood and employment to maximum population.

The authority after deliberations decided to recommend the reduction in the No Development Zone (NDZ) from 200 to 50 mts for large islands under ICRZ only for the development of eco-tourism activities subject to the conditions stipulated under item (i) above. However, when the Hazard line is delineated and if falls beyond 50 meters, the hazard line shall be considered as the NDZ limit.

(d) Permission for Sand extraction

CCF, A&D informed that the Ministry had been granting permission by way of amendments to the CRZ Notification 1991, for extraction of sand in Andaman and Nicobar Islands for constructional purposes . This used to be done in a regulated manner on case to case basis not exceeding the essential requirement for the particular year by the Committee headed by Chief Secretary.

As per the Supreme Court vide Order dated 07/05/2002 for phasing out extraction of sand @ 20% per year on reducing balance basis to bring the sand mining to the level of 33% of the level of mining in 2001-02 within a period of 5 years. Sand mining in A&N Islands was brought down to 22,581 in 2006-07. The permitted quantity of sea sand being limited, the requirement of only individual users was met upto a maximum of 10 cbm per individual and 30 cbm for organization/institution such as schools, temples, churches, mosque etc. All bulk users like APWD, CPWD, ALHW are obtaining their requirement by importing from mainland . According to Andaman & Nicobar administration the quantity permitted by MOEF used to be obtained from pre- identified sites with adequate environmental safeguard to prevent any damage to the sensitive coastal eco-system including corals, turtle/crocodile/bird nesting sites and protected areas.

However, mining of sand, rocks and other sub-strata materials except those rare minerals not available outside the ICRZ area has been prohibited as per para 7 (xvi) of IPZ

Notification, 2011. Therefore, prohibition on collection of sand from costal areas under IPZ notification has substantially pushed up the cost of all construction.

In order to provide relief to the small users, of Andaman & Nicobar administration has requested to grant permission for sand mining from the identified sand mining sites to the limited extent as per the judgment of Hon'ble Supreme Court.

After detailed discussions, the authority decided to recommend amendment to the IPZ Notification, 2011 for permitting the mining of sand from the identified non eco sensitive areas as recommended and approved by A&N CZMA. The A&N CZMA shall consider the judgment of Hon'ble Supreme Court while granting the approvals for sand mining. Further, the mining shall be carried out only manually and be monitored by the Committee headed by the Chief Secretary, A& N Administration.

(ii) MCZMA – Amendments to the CRZ –Notification, 2011.

Director, Environment and Member Secretary, MCZMA, Government of Maharashtra briefly outlined the proposal for utilization of approximately 12 acres of Indu 6 Mills land for construction of a memorial to Bharat Ratna Dr. Babasaheb Ambedkar.

He informed that MCZMA recommended the proposal for construction of memorial to Bharat Ratna Dr. Babasaheb Ambedkar on the Indu 6 Mills land on the ground that the development is permissible on the landward side of the existing structures. MCZMA have also recommend (i) incorporating special provisions in CRZ notification 2011 to enable development with change in land use from Industrial Zone -3 to ' Memorial of Dr Babasaheb Ambedkar' (ii) inclusion of development of memorial on the said land in the paragraph 8 (V) of CRZ Notification, 2011.

He explained that as per the CRZ notification, reconstruction of authorized building can be permitted with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use. In the present matter, existing land use is industry. Therefore an amendment to the CRZ notification is required to permit construction of memorial.

The Authority after deliberation decided to recommend amendment to the CRZ Notification, 2011, by insertion of following Para at 8 v (iii)(i).

“Construction of Bharat-Ratna, Dr. Babasaheb Ambedkar Memorial at Mumbai on Indu 6 Mills land with change in landuse from Industrial to construction of Memorial in accordance with the applicable town and country planning regulations. No commercial, industrial and residential activities will be allowed on the memorial land. The detailed plan would be submitted to NCZMA for the approval of MoEF.

Agenda item No. 4. Consideration of matters related to court cases/ directions/ appeals.

(i) Consideration of appeal by M/s Quilon Education Trust as per the order of Hon’ble High Court, Kerala in WP 22652 of 2011.

Chairman, KCZMA informed that Authority that the matter relates to construction of an engineering college at Adichannlor Village of Kollam District, Kerala in violation to the Coastal Regulation Zone Notification, 1991. The Kerala Coastal Zone Management Authority (KSCZMA) had issued direction on 25.03.2011 to stop the construction. M/s Quilon Education Trust challenged the order of KCZMA before the Hon’ble High Court of Kerala. Hon’ble Court directed the petitioner to approach the Ministry to place the matter before the NCZMA and pass an order after hearing all concerned.

Accordingly, the Petitioner filed appeal before NCZMA. The matter was discussed in the NCZMA meeting held on 04.01.2012. The authority sought a report from KCZMA. It was stated that the KCZMA have examined the matter and found that the construction is beyond the HTL.

Shri Mohamed. Nowfal, Chairman, Quilon Education Trust (QET), and P.B. Sahasranaman, Advocate, attended the meeting.

After deliberations, it was noted that the KCZMA is yet to submit its report to NCZMA. KCZMA was requested to submit its report to all the members so that the matter is taken up in the next meeting.

**25th Meeting of the National Coastal Zone Management Authority (NCZMA)
held on 16th July, 2012 in Ministry of Environment and Forests, New Delhi**
List of participants

Ministry of Environment and Forests

1. Dr. T. Chatterjee, Secretary (E&F) and Chairman, NCZMA
2. Shri Rajiv Gauba, Joint Secretary and Member Secretary, NCZMA
3. Shri Lalit Kapur, Director
4. Shri E.Thiru, Dy. Director, MoEF
5. Shri Amardeep Raju, Dy. Director, MoEF

Members of NCZMA

6. Shri K.M.Rajan, Kattayavuki, Kosady, Madukla, Kottayan, Kerala
7. Shri Kaushal Kishore, 920 A Wing, Corporate Avenue, Sonawala Road, Goregaon, Mumbai
8. Shri R.Ramesh, Director, NCSXM Anna University Campus, Chennai
9. Dr. A.K.Chaubey, National Institute of Oceanography, Dona Paula,
10. Dr. Ajai, Space Applications Centre ISRO, Ahmedabad Dr. Ramchandran Ramesh, IOM, Anna University, Chennai
11. Shri Arun Kumar, Director, Central Ground Water Authority, New Delhi

State Coastal Zone Management Authorities

12. Shri B.N.Patil, Director, Environment Department, Government of Maharashtra, Mumbai
13. Prof. V.N.Rajasekharan Pillai, Chairman, Kerala Coastal Zone Management Authority Sasthra Bhavan, Pattom, Thiruvananthapuram 6950 Kerala
14. Shri Jalaj Shrivastava, Principal Secretary (Finance), Andaman & Nicobar Administration.
14. Shri D.V.Negi, Chief Conservator of Forests, Andaman & Nicobar Administration.
15. Shri Parimal Bose, Consultant, Andaman & Nicobar Administration
