

Proceedings of the 5th meeting of Karnataka State Coastal Zone Management Authority (KSCZMA) held on 27th March 2014 at Pilikula Nisarga Dhama, Mangalore

Members present: As per the list enclosed.

The Chairman welcomed the members present. All the files were placed before the Authority for perusal and the subjects were deliberated as per the Agenda.

At the outset, the Secretary to Government (E&E), Department of Forest, Ecology & Environment readout the Minutes of the meeting held with SCZMAs under the chairmanship of Secretary (E&F), MoEF, GoI on 18.12.2013 at New Delhi informed that MoEF has extended the validity of the approved CZMP for all states upto 21.01.2014 subject to the condition that all the States/Union territories shall submit the draft CZMP by 30th September, 2013 for consideration and the recommendation of NCZMA for the approval of the Ministry. From 1st February 2014 onwards, States/Union Territories shall consider the projects/development activities within CRZ areas as per the new CZMPs only.

Secretary to Government (E&E), DFEE informed that the Chairman, KSCZMA has requested the MoEF, GoI to extend the submission of the draft CZMP upto 31.07.2014 since incorporation of comments/suggestion on the draft CRZ maps through public consultation is under progress vide letter dated 25.03.2014. Further, he informed the KSCZMA that the Joint Secretary & Project Director, MoEF has orally conveyed that the validity of the approved CZMP for all states has been extended by one year and the notification in this regard is due. The KSCZMA after deliberations decided to apply the provisions of the CRZ notification 2011 in anticipation of the said notification from MoEF, GoI so as to ease the hardship and grievance of local people in construction/re-construction/repair of their dwelling houses before monsoon.

At this juncture, the KSCZMA members expressed their appreciation to the Authority for having considered a very large number of proposals pertaining to dwelling units of local people from KSCZMA and issuing NOC to the same in the previous meeting.

Agenda No. 5.1: Confirmation of the proceedings of the previous KSCZMA meeting held on 25.02.2014.

The proceedings of the previous KSCZMA meeting held on 25.02.2014 were read out. The proceedings were confirmed as there were no comments or amendments received from the members.

Agenda No. 5.2: Action Taken Report on the proceedings of the previous KSCZMA meeting held on 25.02.2014.

The Secretary, KSCZMA submitted to the Authority that draft letters in respect of the subjects considered in previous meeting have been prepared already and would take 2 to 3 days for issue. In view of the enormity of the proposals considered in the previous meeting in the Authority accepted the pleading of the Secretary, KSCZMA and noted that compliance to the proceeding has been taken.

Agenda No. 5.3: CRZ clearance for the construction / reconstruction of residential units in CRZ-III area within 100 mts from Sea HTL (NDZ area)

The Authority noted that the proposals from Agenda No. 5.3.01 to 5.3.26 proposals were considered in KSCZMA meeting dated 03.09.2013. Although this is a permitted activity under para 8 III. CRZ-III (ii), after thorough discussion had rejected these proposals expressing concern over the safety of buildings and those living in it. The Authority had decided to take up these proposals after hazard line demarcation being done by MoEF, GoI through Survey of India.

The Authority noted that the proposals from Agenda No. 5.3.27 to 5.3.31 of were considered in KSCZMA meeting dated 08.01.2014. KSCZMA had decided to write to MoEF, GoI that the KSCZMA is awaiting for the hazard line demarcation by Survey of India and if the same is not provided by MoEF by March 2014, the existing CRZ norms as per CRZ Notification-2011 will be applied. The Authority had decided to take up these proposals after March 2014.

The Authority further noted that the KSCZMA in its meeting dated 25.02.2014 had decided to consider the above and similar proposals in the next meeting of the Authority in accordance with the provisions of the CRZ Notification, 2011 without waiting for the hazard line demarcation by Survey of India. It was informed to the Authority that the Department has so far not received the hazard line demarcation from the Ministry.

The Authority also noted that all these proposals have been recommended to KSCZMA by the DCZMC for issue of NOC.

The Authority observed that the relevant provisions under the CRZ Notification, 2011 pertaining to the construction in CRZ -III area located within 100 meters from HTL of the sea is as under:

As per para 8 CRZ-III A., Area upto 200mts from HTL on the landward side in case of seafront is to be earmarked as "No Development Zone (NDZ)".

As per para 8 CRZ-III A. (ii), under the norms for regulation of activities permissible in accordance with the CRZ Notification, 2011, no new construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing and for permissible activities including facilities essential for activities."

The Authority after deliberations decided to issue NOC to the following 31 proposals under Para 8 CRZ-III A. (ii) of CRZ Notification, 2011 without exceeding existing Floor Space Index and existing plinth area.

5.3.01: Request for NOC from Sri. Sukru Kharvi S/o Annappa Kharvi for re-construction of residential house at Sy. No. 25/5P12P2 of Paduvari Village, Kundapura Taluk, Udupi District for an existing plinth area of 360 Sft. (FEE 198 CRZ 2012)

- 5.3.02:** Request for NOC from Smt. Lalitha, W/o Subramanya Kajjanamane for re-construction of residential house at Sy. No. 25/1A1P2 of Paduvari Village, Kundapura Taluk, Udupi District for an existing plinth area of 361 Sft. (FEE 197 CRZ 2012)
- 5.3.03:** Request for NOC from Smt. Jyothi J. Shetty W/o Jaykumar Shetty for re-construction of residential house at Sy. No. 197/12 of Uliyargoli Village, Udupi Taluk, Udupi District for an existing plinth area of 1183.60 Sft. (FEE 209 CRZ 2012)
- 5.3.04:** Request for NOC from Sri Subba Mogaveera S/o Dhara Mogaveera for re-construction of residential house at Sy. No. 167/1P6 of Paduvari Village, Kundapura Taluk, Udupi District for an existing plinth area of 660 Sft. (FEE 264 CRZ 2012)
- 5.3.05:** Request for NOC from Smt. Narsi Hengsu and others D/o Thimmu for re-construction of residential house at Sy. No. 65/13P2 of Muluru Village, Udupi Taluk, Udupi District for an existing plinth area of 1315 Sft. (FEE 265 CRZ 2012)
- 5.3.06:** Request for NOC from Sri Chandrashekhara K. Amin, S/o Late Kanthappa Sahukr for re-construction of residential house at Sy. No. 138/7 of Uliyaragoli Village, Udupi Taluk, Udupi District for an existing plinth area of 1022 Sft. (FEE 271 CRZ 2012)
- 5.3.07:** Request for NOC from Smt Akkani Thingalaya W/o Pappu Marakala for re-construction of residential house at Sy. No. 97/1C of Bada Village, Udupi Taluk, Udupi District for an existing plinth area of 25 Sqm. (FEE 3 CRZ 2013)
- 5.3.08:** Request for NOC from Sri Babu S/o Late Manju Kharvi for re-construction of residential house at Sy. No. 2-7AP12 of Uppunda Village, Kundapura Taluk, Udupi District for an existing plinth area of 23.5 x 34.5 Sft. (FEE 13 CRZ 2013)
- 5.3.09:** Request for NOC from Smt Chendu Poojarthi for Conversion and re-construction of residential house at Sy. No. 31/4B of Navunda Village, Kundapura Taluk, Udupi District for an existing plinth area of 1000 Sft. (FEE 45 CRZ 2013)
- 5.3.10:** Request for NOC from Sri Narayana Kharvi S/o Mudura Kharvi for re-construction of residential house at Sy. No. 155/4P19 of Maravanthe Village, Kundapura Taluk, Udupi District for an existing plinth area of 42 Sqm. (FEE 75 CRZ 2013)
- 5.3.11:** Request for NOC from Smt Machi W/o Narayan Kharvi for re-construction of residential house at Sy. No. 118/4P2 of Upunda Village, Kundapura Taluk, Udupi District for an existing plinth area of 110 Sqm. (FEE 86 CRZ 2013)
- 5.3.12:** Request for NOC from Smt Marli W/o Late Narayana Kharvi for Conversion and re-construction of residential house at Sy. No. 100/1P23 of Uppunda Village, Kundapura Taluk, Udupi District for an existing plinth area of 120 Sft. (FEE 90 CRZ 2013)

- 5.3.13:** Request for NOC from Sri Manjunatha Mestha S/o Durgayya Mestha for Conversion and re-construction of residential house at Sy. No. 159/12P1 of Paduvari Village, Kundapura Taluk, Udupi District for an existing plinth area of 600 Sft. (FEE 101 CRZ 2013)
- 5.3.14:** Request for NOC from Smt Kaveri W/o Rama Kharvi for Conversion and re-construction of residential house at Sy. No. 90/3A1P1 of Uppunda Village, Kundapura Taluk, Udupi District for an existing plinth area of 140 Sft. (FEE 112 CRZ 2013)
- 5.3.15:** Request for NOC from Sri Manjappa Poojary for re-construction of residential house at Sy. No. 12/1B3 of Kodi Village, Kundapura Taluk, Udupi District for an existing plinth area of 20 Sqm. (FEE 91 CRZ 2013)
- 5.3.16:** Request for NOC from Smt Ganapu D/o Laxmi Hengsu for Conversion and re-construction of residential house at Sy. No. 34/6A3P1 of Navunda Village, Kundapura Taluk, Udupi District for an existing plinth area of 10 x 7.5 Sqm. (FEE 9 CRZ 2013)
- 5.3.17:** Request for NOC from Smt Marli W/o Macha Kharvi for re-construction of residential house at Sy. No. 2/7-P1 of Uppunda Village, Kundapura Taluk, Udupi District for an existing plinth area of 150 Sqm. (FEE 100 CRZ 2013)
- 5.3.18:** Request for NOC from Sri Govinda S/o Durgi for Conversion and re-construction of residential house at Sy. No. 25/1A1P2 of Paduvari Village, Kundapura Taluk, Udupi District for an existing plinth area of 286 Sft. (FEE 47 CRZ 2013)
- 5.3.19:** Request for NOC from Smt Nagamma Kharvi W/o K.M.Naga for re-construction of residential house at Sy. No. 6/9 of Maravanthe Village, Kundapura Taluk, Udupi District for an existing plinth area of 70 Sqm. (FEE 76 CRZ 2013)
- 5.3.20:** Request for NOC from Smt Ammakka D/o Manji Poojary for re-construction of residential house at Sy. No. 2/7CP1-P1 of Uppunda Village, Kundapura Taluk, Udupi District for an existing plinth area of 120 Sqm. (FEE 68 CRZ 2013)
- 5.3.21:** Request for NOC from Sri Subbayya Kharvi S/o Ammakka Kharvi for re-construction of residential house at Sy. No. 6/1B of Maravanthe Village, Kundapura Taluk, Udupi District for an existing plinth area of 59 Sqm. (FEE 77 CRZ 2013)
- 5.3.22:** Request for NOC from Sri Chandra Poojary S/o Kusta Poojary for re-construction of residential house at Sy. No. 5/1AP8 of Hosadu Village, Kundapura Taluk, Udupi District for an existing plinth area of 600 Sft. (FEE 78 CRZ 2013)
- 5.3.23:** Request for NOC from Sri Matana Macha Kharvi S/o Late Durga Kharvi for re-construction of residential house at Sy. No. 101-7CP1 of Uppunda Village, Kundapura Taluk, Udupi District for an existing plinth area of 150 Sft. (FEE 72 CRZ 2013)

5.3.24: Request for NOC from Smt. Honge Zeenath W/o Honge Jaffer for re-construction of residential house at Sy. No. 32/1P49 of Shirur Village, Kundapura Taluk, Udupi District for an existing plinth area of 600 Sft. (FEE 74 CRZ 2013)

5.3.25: Request for NOC from Smt Subbi Hengsu D/o Sheshi Hengsu for re-construction of residential house at Sy. No. 34/3BP1 of Navunda Village, Kundapura Taluk, Udupi District for an existing plinth area of 102 Sqm. (FEE 80 CRZ 2013)

5.3.26: Request for NOC from Sri Kuppayya Kharvi S/o Late Manja Kharvi for Conversion and re-construction of residential house at Sy. No. 26/2P4P2 of Paduvari Village, Kundapura Taluk, Udupi District for an existing plinth area of 180 Sft. (FEE 92 CRZ 2013)

5.3.27: Request for NOC from Sri Peter Nazarath, S/o Symon Nazarath for re-construction of residential house at Sy. No. 50/6 of Paduvari Village, Kundapura Taluk, Udupi District for an existing plinth area of 600 Sft. (FEE 159 CRZ 2012/FEE 263 CRZ 2013)

5.3.28: Request for NOC from Sri Syed Jafer for re-construction of residential house at Sy. No. 285/5D of Shiruru Village, Kundapura Taluk, Udupi District for an existing plinth area of 800 Sft. (FEE 206 CRZ 2013)

5.3.29: Request for NOC from Smt Kuppu D/o Manjamma for re-construction of residential house at Sy. No. 173/7P2 of Paduvari Village, Kundapura Taluk, Udupi District for an existing plinth area of 561 Sft. (FEE 210 CRZ 2013)

5.3.30: Request for NOC from Smt. Bibi Fathima. B for re-construction of residential house at Sy. No. 285/6 of Shiruru Village, Kundapura Taluk, Udupi District for an existing plinth area of 900 Sft. (FEE 208 CRZ 2013)

5.3.31: Request for NOC from Smt Nagamma W/o Manju Mogaveera for re-construction of residential house at Sy. No. 315/4B1 of Shiruru Village, Kundapura Taluk, Udupi District for an existing plinth area of 400 Sft. (FEE 234 CRZ 2013)

Agenda No. 5.4: CRZ Clearance for structures by M/s. Naveen Hotels Ltd. and M/s. R.N. Shetty Trust at Murudeshwar (FEE 100 CRZ 2012)

The Secretary, KSCZMA submitted to the Authority that the required documents as per KSCZMA meeting dated 25.02.2014 have been circulated to all the members along with the agenda as enclosure to the meeting notice.

The Authority took cognizance of the fact that the report of Three Member Committee constituted by MoEF, GoI with regard to the violations that was submitted to the Hon'ble High Court by the Central Government has opined that: Permission can be accorded to the petitioner with regard to the structure constructed post 1991 subject to obtaining a post facto clearance under CRZ Notification, 1991 from the MoEF for the entire complex of Sri. R.N. Shetty Trust at Murudeshwara based on an Environmental Impact Assessment Report.

The Authority also took cognizance of the fact that, subsequently, the Hon'ble High Court has disposed off the Writ Petitions connected therewith in terms of the report of the three member committee dated 14.05.2006 and the affidavit dated 17.10.2007 sworn to by the Director, GoI, MoEF, Regional Office Southern Zone, Bangalore indicating that the GoI had accepted the recommendations of the Three Member Committee. The said affidavit was invited to the attention of the Hon'ble High Court by the learned Central Government Standing Counsel representing respondent No. 3 i.e. MoEF, GoI.

The Authority after deliberation decided to recommend CRZ clearance to the above proposal and directed Secretary, KSCZMA to forward the documents submitted by the Project proponent vide letter dated 28.09.2013 to MoEF, GoI along with recommendation of KSCZMA.

Agenda No. 5.5: Identification of violation cases in coastal districts under CRZ Notification - 2011:

The list of 289 violations in respect of the three coastal districts as submitted by the Regional Directors (Environment) were placed before the Authority for perusal. The Secretary, KSCZMA informed the Authority that the list has some shortfalls and the Regional Directors (Environment) have been requested to furnish the following details afresh in each individual violation case in file format.

- (1) Name and address of the owner/violator.
- (2) Details of violation and the present status.
- (3) CZMP extract with zoning classification and distance from HTL.
- (4) Date of inspection along with copy of the inspection report.
- (5) Recommendation of the DCZMC along with copy of the proceedings.
- (6) Photographs showing violation.

The Secretary, KSCZMA also informed the Authority that a review meeting regarding the progress made by SCZMAs for the identification of violations and action taken with the various SCZMAs was held on 18th December, 2013 under the Chairmanship of Secretary (E&F), MoEF, GoI. MS, KSCZMA has informed that violations have been identified and uploaded on to the Ministry's website. It was suggested that the Ministry may devise a uniform format and the details of violations and the action taken should be submitted in that format to the Ministry. Uniform format has so far not received from the Ministry.

The Secretary to Government (E&E), DFEE readout para 2.(2).(i) of the Order No. S.O. 2980(E) dated 30th September 2013 (Gazetted on 01.10.2013 issued by MoEF, GoI reconstituting the KSCZMA and informed that the KSCZMA has powers, among others, to inquiry into cases of alleged violation of the provision of the CRZ notification and if found necessary issuing directions under Sec. 5 of the Environment (protection) Act, 1996 as well as review & refer such cases involving violations to NCZMA and accordingly the list of violations have been placed before the Authority for discussion.

The Authority after deliberations, directed the Secretary, KSCZMA to make a revised list in three categories namely cases pending before the Court, cases pending before DCZMC and cases wherein action has already been taken and forward the same to the concerned Regional Directors (Environment). The Regional Directors (Environment) were directed to inspect the violation cases in their respective districts and submit the reports in file format addressing the six points enumerated above in three months time along with the recommendations of the DCZMC.

Agenda No. 5.6: Discussion on preparation of new Coastal Zone Management Plans (CZMPs) under CRZ Notification 2011 (FEE 14 CRZ 2002).

The Secretary to Government (E&E), DFEE informed the Authority that as per guidelines issued by MoEF, GoI under CRZ notification 2011 for preparation of Coastal Zone Management Plans (CZMP) there are three activities namely (a) Demarcation of High Tide Line (HTL) (b) Preparation of CZM Maps and (c) Preparation of local level CZM Maps.

(a) Demarcation of High Tide Line (HTL):

The Department has obtained draft CRZ Maps from NHO as per CRZ notification 2011 and a sub-committee has been formed (as per KSCZMA meeting decision dated 25.02.2014) to submit a detailed report on the village-wise and map-wise changes to be incorporated in the draft CRZ maps considering the comments/suggestions received from the public/NGOs and other stakeholders including those received from website. Public consultation in this regard is under progress. The Department has requested MoEF, GoI to extend the submission of draft CZMP by 31.07.2014.

(b) Preparation of CZM Maps:

For this activity, Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and the NHO has been requested to send Base maps of 1:25,000 scale in respect of three coastal districts of the State prepared as per CRZ Notification-2011. NHO is also requested to send shape files of HTL and LTL lines as well as all cadastral maps in shape file in a CD form. The High Water Level (HWL) and Low Water Level (LWL) is to be marked on the Base maps and transferred to the CZM maps.

The Authority after deliberations requested the Secretary to Government (E&E), DFEE to consult Anna University, Chennai which is an authorized agency for demarcation of HTL and LTL in this regard. The Authority also decided to constitute a three member technical advisory committee comprising of Dr. Gangadhara Gowda and Dr. V.Shreedhara, both Members, KSCZMA with Secretary, KSCZMA as Member - Convener to submit a report to GoK on the exemption of consultancy charges under Sec. 4(b) of KTPP Act and place it before KSCZMA.

(c) Preparation of local level CZM Maps:

For this activity, Cadastral (village) maps in 1:3960 scale needs to be used as Base Maps for the preparation of local level CZM Maps for the use of local bodies and other agencies to facilitate implementation of CZMP. HTL and LTL (as defined in the CRZ notification) is to be demarcated in the cadastral map based on detailed physical verification using coastal geomorphological signatures of features accordance with the CZM Maps approved by the MoEF, GoI.

Agenda No. 5.7: Additional subject with the permission of the Chair.

Agenda No. 5.7.1: Request for NOC from Sri. B Hussain Saheb S/o Baikadi Hassan Saheb for reconstruction of residential house at Sy No.14/8A, Paduthonse village, Hoode post, Udupi Taluk & District for plinth area of 600 Sft. - regarding.

The above proposal was considered in the KSCZMA meeting held on 03.09.2013 and the Authority had expressed concern over the safety of the old buildings within 100m HTL of the sea and after discussion had opined that the permission of the structures very near to the sea may expose them to natural hazards, though the proposal is within No Development Zone (NDZ) of the river and hence the above proposal was rejected.

However, the Authority reconsidered the above proposals and after deliberations decided to issue NOC under Para 8 CRZ-III A. (ii) of CRZ Notification, 2011 without exceeding existing Floor Space Index and existing plinth area without waiting for the hazard line demarcation from MoEF, GoI as this is permitted activity under the said notification.

The Authority decided to convene the next meeting of the KSCZMA at Karwar.

The meeting ended with thanks to the Chair.

Sd/-

(M. MADAN GOPAL)

Additional Chief Secretary to Government,
Forest, Ecology & Environment Department &
Chairman, Karnataka State Coastal
Zone Management Authority.

Sd/-

(Dr. M.H.Balakrishnaiah)

Secretary, KSCZMA and

Special Director (Technical Cell)

Department of Forest, Ecology and Environment.

Meeting of the 5th Karnataka State Coastal Zone Management Authority (KSCZMA) held on 27th March 2014 at 11.00 AM at Pilukula Nisarga Dhama, Mangalore:

LIST OF MEMBERS/OFFICERS PRESENT

1. Sri M. Madan Gopal, IAS,
Chairman, KSCZMA &
Additional Chief Secretary to Government,
Department of Forest, Ecology & Environment,
M S Building, Bangalore - 560 001 In Chair
2. Additional Chief Secretary to Government,
Tourism Department,
Vikasa Soudha Bangalore. Absent
3. The Additional Chief Secretary to Government,
Industries and Commerce Department,
Vikasa Soudha, Bangalore Absent
4. Principal Secretary to Government,
Animal Husbandry and Fisheries,
Vikasa Soudha, Bangalore
[Represented by Sri. M.V. Prasad,
Deputy Director of Fisheries, Mangalore] Present
5. Sri. Ramachandhra, IFS,
Secretary to Govt. (Ecology & Environment)
Forest, Ecology and Environment Department Present
6. Sri. Vijaya Kumar , IFS,
Member Secretary,
Karnataka State Pollution Control Board,
No. 49, Parisara Bhavan, Church Street,
Bangalore- 560 001. Present
7. Smt Ritu Kakkar,
Director General,
Environment Management and Policy Research Institute (EMPRI),
'Hasiru Bhavana', Doresanipalya Forest Campus,
Vinayaka Nagara Circle, J. P. Nagar, 5th Phase,
Bangalore-560 076. (With prior intimation)
Absent

8. Director,
Karnataka State Remote Sensing Application Centre, KSRSAC,
Department of IT, BT, S&T, 6th Floor, Multi Storied Building,
Bangalore- 560 001.
[Represented by Dr. V. Shreedhara, Scientist] Present
9. Dr. B.K. Shivaprasad Rai,
Consultant Surgeon and former Commandant of Home Guards,
Shourya, Martin Pais Road, Hat Hill,
Bejai Post, Mangalore-575004. Present
10. Dr. Subba Rao,
Professor Department of Applied Mechanics and Hydraulics,
National Institute of Technology, Karnataka,
Suratkal, Mangalore. Absent
11. Dr. Gangadhara Gowda
Professor and Head,
Aquatic Environment Management Department,
College of Fisheries, Mangalore. Present
12. Dr. K.S. Jayappa
Professor,
Department of Marine Geology,
Mangalore University,
Mangala Gangothri, Mangalore. Present
13. Dr. M.H. Balakrishnaiah,
Special Director (Technical Cell)
and Secretary,
Karnataka State Coastal Zone Management Authority,
Forest, Ecology and Environment Department. Present

Other Officers Present:

1. Regional Director (Environment),
Forest, Ecology & Environment Department,
Corporation Commercial Complex,
I Floor, Lalbagh, Mangalore-575 003. Present

2. Regional Director (Environment),
Forest, Ecology & Environment Department,
1st Floor, C Block, Rajathadri,
District Administrative Centre,
Manipal- 576104, Udupi District. Present
3. Regional Director (Environment),
Forest, Ecology & Environment Department,
Meera Building, I Floor, Kajubagh, Karwar,
Uttara Kannada District. Present