

Minutes of the 127th meeting of Expert Appraisal Committee for Projects related to Infrastructure Development, Coastal Regulation Zone, Building/Construction and Miscellaneous projects held on 28th -30th October, 2013 at Fazal Hall, Scope.

1. Opening Remarks of the Chairman.

The Chairman welcomed the members to the 127th meeting of the Expert Appraisal Committee.

2. Confirmation of the Minutes of the 126th Meeting of the EAC held on 19th - 21st September, 2013 at New Delhi.

Minutes of the Minutes of the 126th Meeting of the EAC held on 19th –21st September, 2013 at New Delhi were confirmed.

In item No.4.16 “Finalisation of ToR for establishment of Greenfield Landfill in Vapi, GIDC, Distt. Valsad, Gujarat. M/s Vapi Waste and Effluent Management Co.Ltd. F.No.10-16/2013-IA-III, the capacity of incineration facility including co-generation of 14 ton/hr steam output shall be read as 17 ton/hr.

In item ‘4.14-Environment Clearance for the establishment of Industrial Growth Centre at SIDCO Industrial Complex, Ghati Kathua, Jammu & Kashmir by M/s State Industrial Development Corporation Pvt. Ltd (F. No. 21-22/2010-IA.III)’ the following shall replace condition No.vi.

“Guidelines of State Groundwater Authority shall be followed for withdrawal of groundwater”

3. Consideration of old Proposals

3.1	<p>Review of Environmental and CRZ Clearance for proposed expansion and moderation of Pipavav Port, Taluka Rajula, district- Amreli, Gujarat by M/s Gujarat Pipavav Port Ltd. [F.No.11-91/2009-IA-III]</p> <p>The proposal for expansion and modernization plan of Pipavav Port, was examined by the EAC in its meeting held on 23rd- 24th November, 2009 which finalized the ToRs including conduct of Public Hearing. The Public Hearing was conducted on 12.05.2011 within the Port. Gujarat Coastal Zone Management Authority has recommended the project vide letter No. ENV-10-2011-997-E dated 18.01.2012. EAC examined the proposal in its meeting held in March, 2012 and recommended for grant of clearance. Accordingly, the EC was granted on 05.06.2012.</p> <p>The EC was challenged before the NGT stating that proposed expansion will adversely affect mangrove forests, migrating birds etc. NGT allowed the appeal and ordered to keep the clearance in abeyance for six months and the matter was remitted to the EAC for the purpose of reconsideration of appraisal.</p> <p>The proposal was examined by the EAC in its 126th meeting held on 19th – 21st September, 2013 based on the order of NGT. The Project Proponent</p>
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4.11	<p>Environmental and CRZ Clearance for Vizhinjam International Container Transshipment Terminal at Vizhinjam by M/s Vizhinjam International Seaport Ltd [F.No.11-122/2011-IA-III]</p> <p>The EAC in its meeting held in September, 2013 noted that the State Government had not responded and provided comments on the various representations received w.r.t. the proposed project. The representations received on the meeting day, were also be provided to the State Government. Principal Secretary,Ports, Kerala Government was, requested to respond to all these representations.</p> <p>A numerous representations for and against the project were received by the EAC, the Chairman checked whether any representationist against the project and if they wished to make any further representations. None opposing the project were present. Two supporters of the project were present.</p> <p>The Additional Chief Secretary, Government of Kerala has provided comments. As it was stated that the representations which were received by the MoEF on 21st September 2013 (after the Public hearing) and forwarded to the State Government had been reviewed by VISL and the State Government and it is noted that almost all the new representations are repetitions of the 235 representations received during the Public hearing held on 29th June 2013, which have been duly addressed in the relevant sections of the CEIA report, the consolidation of which are provided in Section 7.1.9 (page 7-26 to 7-71) of Volume I of CEIA report (Aug 2013). State Government stated that the representations submitted after the Public Hearing are mainly on behalf of the resort owners whose land may have to be acquired for the project and their association, the Kerala Hotel & Restaurant Association (KHRA). The State Government informed that the CEIA study reveals that all the above resorts are located within 200M from the High Tide Line (HTL), in violation of the CRZ Notification,1991 & 2011. The Hon.Supreme Court in the Judgement dated 8-08-2013 in SLP No.24390-24391 of 2013 filed by M/s Vaamika Island (Green Lagoon Resort) against the Judgement of the Hon.High Court of Kerala ordering demolition of the resort constructed violating the CRZ Notification has held as under:</p> <p><i>'24. Further the directions given by the High Court in directing demolition of illegal construction effected during their currency of CRZ notifications 1991 and 2011 are perfectly in tune with the decision of this Court in Piedade Filomena Gonsalves Vs State of Goa and others(2004) 3 SCC 445, wherein this court has held that such notifications has been issued in the interest of protecting environment and ecology in the coastal area and the construction raised in violation of such regulations cannot be lightly condoned'</i></p> <p>The PP and the State Government pleaded to take note of the advantage of the mega development project, viz-a-viz the inconvenience. In that respect, the advantages of the project to the country, state and locality far outweigh</p>

	<p>the apprehended social issues. It was pointed out that many of the resorts on whose behalf the petitions have been sent to MoEF are violators of CRZ against whom Government have directed the KCZMA to take action. They stated that such petitions from violators of environmental laws of the land may not get consideration from the authority charged with the responsibility of ensuring compliance with such laws. The State Government stated that it was a Green Port project, incorporating all the modern environmental and ecological safeguards. 5% of the project cost amounting to Rs. 140 crores has been set apart for social responsibility activities.</p> <p>As regards the issues on behalf of fishing community, the PP/State Government stated an additional fishing harbor with 500m additional berth which could double the capacity of the existing fishing harbor, would benefit the fishing community immensely. The projects will only benefit the fishing community and the locality. Such mega development projects of immense consequences to the community have been subjected to 'judicial security' in the environmental point of view in important cases reported as AIR 1992 Bom: 471 (Konkan Railway), AIR 2000 SCC 3751 (Narmada Bacho Vs Union of India), etc where the development needs were held to be equally important as the environmental considerations. The PP stated that apprehensions in the petitions have been duly taken care of in the EIA report and the mitigation measures proposed would certainly take care of the genuine concerns.</p> <p>The Project Proponent state that out of 31 resorts in the vicinity, 29 are in violation of the CRZ Notification and the State Authorities have initiated action against them.</p> <p>Indian Navy and Coast Guard officials also made a presentation in support of the project and its strategic importance. The PP in his presentation stated that this port should be a strong competitor to the Colombo port on the international Sea route and couple take a share of bulk cargo handling from other major ports in the region.</p> <p><i>After deliberation, EAC decided to discuss the matter in the next EAC and asked the Project Proponent to prepare a response subject wise on the issues raised during the public hearing and in the representations.</i></p>
4.12	<p>Finalization of ToR for development of Bulk Liquid Berth for handling LNG at Karaikal Port by M/s Karaikal Port Private Ltd. [F.No.11-41/2013- IA.III]</p> <p>Karaikal Port is proposed to be an all weather Port and is being developed on Build, Operate and Transfer format under Public Private Partnership in terms of the concession awarded by the Government of Puducherry in January 2006. It is located on the East Coast of India near the town of Karaikal within the Union Territory of Puducherry. The Port is in operation since 2009 and has handled over 20 Million Tonnes of various cargo including liquid petroleum. As a part of a seamless future expansion plan, Karaikal Port proposes to set up a separate Bulk Liquid Berth as envisaged in the Master Plan with slight modification in the location of the berth within the port.</p>