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Proceedings of the 6th meeting of Karnataka State Coastal Zone Management Authority (KSCZMA) held on 11th June 2014 at Jungle Lodges & Resorts, Devbhagh Beach Resort, Karwar

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.

6.1: Confirmation of the proceedings of the previous KSCZMA meeting held on 27.03.2014.

The proceedings of the previous KSCZMA meeting held on 27.03.2014 were read out. The proceedings were confirmed as there were no comments or amendments received from the members.

6.2: Action Taken Report on the proceedings of the previous KSCZMA meetings held on 27.03.2014 and 25.02.2014.

The Secretary, KSCZMA informed the Authority that the proceedings of the previous KSCZMA meetings held on 27.03.2014 and 25.02.2014 have been complied and the same was confirmed.

6.3: CRZ Clearance for construction/re-construction of residential units in CRZ - I Area.

6.3.1: Request for NOC from Smt. Sulochana Bangera & Sri. Naresh S Bangera for re-construction of residential house at Sy.No. 80/1P3(2) of Bappanadu Village, Mangalore Taluk, Dakshina Kannada District for plinth area of 95.13 Sqm (G+1) (FEE 913 CRZ 2014) - reg.

The Authority noted that the relevant provisions under the CRZ Notification, 2011, pertaining to the construction in CRZ- I area is as under:

As per para 8 of CRZ notification, 2011 under the norms for regulation of activities permissible, no new construction are permitted in CRZ-I except the activities listed as exempted.

Further the Authority also noted that as per para 3 (i) (e) of CRZ Notification, 2011 reconstruction, repair works of dwelling units of local communities especially fisher folks in accordance with local town and country planning regulations is permitted within CRZ.

Even though, the repair / reconstruction of the structures is not expressly permitted in the CRZ Notification 2011, the KSCZMA earlier have permitted for repair/ re-construction of buildings that existed prior to 19.02.1991 in the interest of safety of the buildings and the residents without exceeding the existing plinth area and height of the building. The Authority noted that the proposal has been recommended by the DCZMC in its meeting held on 29.01.2014.

The Authority after deliberation decided to issue NOC to the above proposal under the said provision of CRZ Notification-2011.

6.4: CRZ Clearance for construction/re-construction of residential units in CRZ - II Area

The Authority noted the relevant provisions under the CRZ Notification, 2011, pertaining to the construction in CRZ- II area is as under:

Under Para 8.II.CRZ-II:

- (i) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
- (ii) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:
- (iii) Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;

The Authority also observed that the following proposals have been recommended for CRZ clearance by DCZMC in its meeting held on 29.01.2014. The Authority after deliberations decided to issue of CRZ clearance to the following proposals from 6.4.1 to 6.4.12 under the said provisions of CRZ Notification, 2011.

6.4.1: Request for NOC from Sri. Sanjeevacharya Joshi S/o Bimasenacharya Joshi for Construction of residential house at Sy.No. 24/6BP of Hosabettu Village, Mangalore Taluk, Dakshina Kannada District for built up area of 283.88 Sqm (G+1) (FEE 910 CRZ 2014) - reg.

6.4.2: Request for NOC from Madarasatul Kileria Vidya Samithi for Construction of School building at Sy.No. 82/A1C2 in 0.08 acre area of Idya Village, Mangalore Taluk, Dakshina Kannada District for built up area of 313.40 Sqm (G+1) (FEE 914 CRZ 2014) - reg.

6.4.3: Request for NOC from Sri. Shiva Kumar and Smt. Shubha B. S. for Construction of residential house at Sy.No. 69/32P of Idya Village, Mangalore Taluk, Dakshina Kannada District for built up area of 204.48 Sqm (G+1) (FEE 901 CRZ 2014) - reg.

6.4.4: Request for NOC from Sri. Pushparaj S Saliyan S/o Sheena Saliyan and Smt. Neetha B Saliyan for Construction of residential house at Sy.No. 1/19B1AP7 of Kulai Village, Mangalore Taluk, Dakshina Kannada District for built up area of 112.56 Sqm (G+1) (FEE 903 CRZ 2014) - reg.

- 6.4.5: Request for NOC from Sri. Ganesh Bhaktha S/o Late Srinivas Bhaktha and Smt. Vijaya Bhaktha W/o Late Srinivas Bhaktha for Construction of residential house at Sy.No. 64/22P of Idya Village, Mangalore Taluk, Dakshina Kannada District for built up area of 76.06 Sqm (G+1) (FEE 904 CRZ 2014) - reg.
- 6.4.6: Request for NOC from Sri. Narayana R Karkera S/o Late Rukmaya Poojary for Construction of residential house at Sy.No. 24/4B of Sashihithu Village, Mangalore Taluk, Dakshina Kannada District for built up area of 86.29 Sqm (G+1) (FEE 908 CRZ 2014) - reg.
- 6.4.7: Request for NOC from Sri. U Narendra Nayak S/o U Gopalakrishna Nayak for Construction of residential house at Sy.No. 144/16 & 144/3C1A of Surathkal Village, Mangalore Taluk, Dakshina Kannada District for built up area of 142.83 Sqm (G+1) (FEE 902 CRZ 2014) - reg.
- 6.4.8: Request for NOC from Sri. Radhakrishna S/o Laxminarayana for Construction of residential house at Sy.No. 255/3CP1 of Surathkal Village, Mangalore Taluk, Dakshina Kannada District for built up area of 168.29 Sqm (G+1) (FEE 906 CRZ 2014) - reg.
- 6.4.9: Request for NOC from Sri. Muralidhar S Kunder S/o Sheena G Suvarna for Construction of residential house at Sy.No. 68/15P of Idya Village, Mangalore Taluk, Dakshina Kannada District for built up area of 87.04 (G+1) (FEE 907 CRZ 2014) - reg.
- 6.4.10: Request for NOC from Smt. Leelavathi Amin for Construction of residential house at Sy.No. 53/P of Surathkal Village, Mangalore Taluk, Dakshina Kannada District for built up area of 93.17 (G+1) (FEE 909 CRZ 2014) - reg.
- 6.4.11: Request for NOC from Sri. Ramesh A Karkera S/o Ananda Puthran for Construction of residential house at Sy.No. 81/1P1 & 81/1P2 of Idya Village, Mangalore Taluk, Dakshina Kannada District for built up area of 119.94 (G+1) (FEE 911 CRZ 2014) - reg.
- 6.4.12: Request for NOC from Sri. Sukesh Laxman Salian S/o Sri. Laxman Salian & Smt. Ashmitha Sukesh Salian W/o Sri. Sukesh Salian for Construction of second floor of residential house at Sy.No. 81/1P1 of Iddya Village, Mangalore Taluk, Dakshina Kannada District for total built up area of 421 Sqm (G+2) (FEE 156 CRZ 2013/FEE 905 CRZ 2014) - reg.
- 6.5 : CRZ Clearance for construction/re-construction of residential units in CRZ - III Area (Within 0 to 100 meters from sea HTL- NDZ)**

The Authority noted 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 proposal in Agenda 6.5.1 was 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 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. The Department has so far not received the hazard line demarcation from the Ministry.

The Authority after deliberations decided to issue of CRZ clearance to the following proposals in 6.5.1 and 6.5.2 under the said provisions of CRZ Notification, 2011 which have also been recommended by DCZMC in its meeting held on 07.06.2014 and 29.01.2014 respectively.

6.5.1: Request for NOC from Smt. Bibi Hajira for re-construction of residential house at Sy.No. 285/5B of Shirur Village, Kundapura Taluk, Udupi District for plinth area of 600 Sqm (FEE 207 CRZ 2013) - reg.

6.5.2: Request for NOC from Smt. Sharada Nagesh Mogar, for re-construction of residential house at Sy.No. 222/A1 of Mundalli Village, Bhatkal Taluk, Uttara Kannada District for plinth area of 21' X 18' (FEE 891 CRZ 2014) - reg.

6.6: CRZ Clearance for construction/re-construction of residential units in CRZ - III Area (above 200 meters from sea HTL i.e, Outside NDZ)

The Authority noted that the relevant provisions under the CRZ Notification, 2011 pertaining to the construction in CRZ -III area located above 200 mts from the HTL of the sea (outside NDZ area) is as under:

As para 8(III) CRZ-III (B) (vii) of CRZ Notification, 2011 the following activity shall be permissible in the area between 200 m to 500 m from the Sea HTL on landward side (i.e. outside NDZ):

"Construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor)"

The Authority also observed that the following proposals have been recommended by DCZMC in its meeting held on 29.01.2014.

The Authority after deliberation decided to issue of CRZ clearance to the following 12 proposals from 6.6.1 to 6.6.12 under the said provisions of CRZ Notification, 2011.

6.6.1: Request for NOC from Sri. Ramesh Kotyan S/o Kittu Kotyan for Construction of residential house at Sy.No. 38/37 of Pavanje Village, Mangalore Taluk, Dakshina Kannada District for built up area of 87.23 Sqm (G+1) (FEE 912 CRZ 2014) - reg.

6.6.2: Request for NOC from Smt. Sanjana Vithal Naik W/o Vithal Naik for conversion and construction of residential house at Sy.No. 621/4 of Kalbhag Village, Kumta Taluk, Karwar (FEE 885 CRZ 2014) - reg.

6.6.3: Request for NOC from Sri. Nagesh Ganapati Gouda S/o Ganapati Gouda for conversion and construction of residential house at Sy.No. 88/24 of Gokarna Village, Kumta Taluk, Karwar (FEE 887 CRZ 2014) - reg.

6.6.4: Request for NOC from Sri. Natal Santan Farnandis S/o Santan Farnandis for conversion and construction of residential house at Sy.No. 621/2 of Kalbhag Village, Kumta Taluk, Karwar (FEE 881 CRZ 2014) - reg.

6.6.5: Request for NOC from Sri. Bhaskar Hosbayya Naik S/o Hosbayya Naik for conversion and construction of residential house at Sy.No. 405/2 of Kalbhag Village, Kumta Taluk, Karwar (FEE 883 CRZ 2014) - reg.

6.6.6: Request for NOC from Sri. Sadanand Hosbayya Naik S/o Hosbayya Naik for conversion and construction of residential house at Sy.No. 405/1 of Kalbhag Village, Kumta Taluk, Karwar (FEE 889 CRZ 2014) - reg.

6.6.7: Request for NOC from Sri. Nagu Sannu Gouda S/o Sannu Gouda for conversion and construction of residential house at Sy.No. 221/1/19B of Bhavikodla Village, Kumta Taluk, Karwar (FEE 886 CRZ 2014) - reg.

6.6.8: Request for NOC from Sri. Jakob P S/o John for conversion and construction of residential house at Sy.No. 109/3 of Binaga Village, Kumta Taluk, Karwar (FEE 880 CRZ 2014) - reg.

6.6.9: Request for NOC from Sri. Rondu Toku Harikantra S/o Toku Harikantra for conversion and construction of residential house at Sy.No. 524/2k2 of Bhavikeri Village, Kumta Taluk, Karwar (FEE 888 CRZ 2014) - reg.

6.6.10: Request for NOC from Sri. Shivanand Thakku Durgekar S/o Thakku Durgekar for conversion and construction of residential house at Sy.No. 55/5 of Harwada Village, Kumta Taluk, Karwar (FEE 884 CRZ 2014) - reg.

6.6.11: Request for NOC from Sri. Gopal Toku Harikantra S/o Toku Harikantra for conversion and construction of residential house at Sy.No. 524/2k2 of Bhavikeri Village, Kumta Taluk, Karwar (FEE 890 CRZ 2014) - reg.

6.6.12: Request for NOC from Sri. Madhev Sukru Harikantra S/o Sukru Harikantra for conversion and construction of residential house at Sy.No. 527/1ka of Bhavikeri Village, Kumta Taluk, Karwar (FEE 882 CRZ 2014) - reg

6.7: Construction of a beach resort at Sy. No. 159, 160 & 264, Paduvaru Village, Kundapur Taluk, Udupi District by M/s. Byndoor Beach Resort (FEE 141 CRZ 2013).

The following background details of the KSCZMA meeting deliberations were placed before the KSCZMA:

KSCZMA Meeting held on 02.05.2006:

- The Authority have perused the report of the DCF, CRZ dated 29.09.2003 and the recommendation of District Coastal Zone Management Committee, Udupi dated 27.08.2003 and noted that Shri. Manohar Shetty, Byndoor Beach Resort has undertaken activities in violation of the provisions of the CRZ Notification.
- Shri Manohar Shetty was given Notice dated 23.09.2003 by the DCF, CRZ, Udupi.
- The DCF, CRZ, Udupi inspected the site on 14.10.2003 and 21.10.2003 and the issue was again discussed in DCZMC meeting held on 29.10.2003 and the proposal was recommended to the KSCZMA for clearance.
- The KSCZMA after discussion decided to issue the proposed direction under section 5 of the Environment (Protection) Act, 1986 for closure/ demolition of the Beach Resort.
- The proposed direction was issued accordingly on 05.06.2006.

KSCZMA Meeting held on 08.08.2006:

- Authority perused the reply dated 12.06.2006 submitted by the proponent in response to the proposed direction and stated that the structures in zero to 100m were the old structures that existed prior to the inception of CRZ Notification and got repaired. The proponent requested for grant of three months time for procuring the required records to prove that the said structures existed prior to the inception of CRZ Notification.
- The Authority noted that the Member Secretary, KSCZMA inspected the project site on 23.07.2006 and deferred the subject.

KSCZMA Meeting held on 19.01.2007:

- The Authority considered the request made by the proponent and granted 45 days time for submission of the proof for the existence of structures prior to the inception of CRZ Notification.

KSCZMA Meeting held on 3rd and 4th August 2007:

- The Authority perused the documents submitted by the project proponent vide letter dated 01.03.2007 and 14.04.2007.
- The Authority directed the Regional Director (Env), Udipi to verify the documents and the receipts submitted by the project proponent with the original records of the concerned Panchayat.

KSCZMA Meeting held on 30.01.2008:

- Perused the tax paid receipts for the year 1984/86 pertaining to the structures that are alleged to have been constructed in violation of the provisions of the CRZ Notification.
- The subject was deferred with the direction to the Regional Director (Env), Udipi to verify with Panchayath documents.

KSCZMA Meeting held on 30.06.2008:

- The Authority perused the report of the Regional Director (Env), Udipi dated 21.05.2008
- The Authority after deliberation opined that the structures appeared to be of temporary nature
- The Authority decided to withdraw the direction under section 5 of the Environment (protection) Act and to recommend the proposal to MoEF, Govt. of India for post facto CRZ clearance subject to the condition that no permanent construction to come up in the 200 meters 'No Development Zone'.

Based on the decision taken in the State Coastal Zone Management Authority after verification of the records that the structures existing in the 'No Development Zone' were constructed prior to the inception of the CRZ Notification and does not constitute violation, the proposal was forwarded to Ministry of Environment and Forests, Government of India, New Delhi vide letter No. FEE 9 CRZ 2005 dated 25.07.2008.

The proponent has submitted that the said proposal was considered in the 78th meeting of the Expert Appraisal Committee for Coastal Regulation Zone, Infrastructure Development and Miscellaneous projects of the Ministry of Environment and Forests, Govt. of India held on 20th to 22nd July 2009 and the Expert Committee has recommended for issue of clearance.

However, Ministry of Environment and Forests have addressed a letter to the Chairman, Karnataka State Coastal Zone Management Authority with a copy to the project proponent requesting "to re-examine the details and submit the

comments on the violation and on the action taken and also regarding post facto clearance" vide letter No. F-No.11-73/2008-IA.III dated 8th December 2009.

The proceedings of the meetings of the Karnataka State Coastal Zone Management Authority held on the dates mentioned in the preceding paras and the documents submitted by the proponent goes to prove that the structures that are in existence in the 'No Development Zone' of the CRZ-III that is up to 200 meters from HTL were constructed prior to the inception of CRZ Notification and therefore does not constitute violation. The proponent has proposed to use these structures for the temporary occupation of tourists in accordance with the provisions of the Law.

Though the constructions between 200 to 500 meters from HTL were commenced without the required clearance, the construction works have been stopped with the issue of proposed direction under section 5 of Environment (Protection) Act dated 05.06.2006. In response to the proposed directions issued on 05.06.2006 the proponent vide his letter dated 12.06.2006 has submitted that they have stopped construction between 200 to 500m zone two years ago and the structures which are in existence or renovations made to some structures which were in existence prior to 1989-1990. The Authority have considered this fact and have decided to recommend the proposal to MoEF, Govt. of India as it is a pro-tourism activity.

Accordingly, the Ministry of Environment and Forests, Govt. of India have been addressed vide letter dated 25.11.2010 about these developments and the decision of the Authority along with the copies of the relevant documents.

The MoEF, GoI vide letter dated 04.06.2013 addressed to the Chairman, KSCZMA have informed that as per OM dated 12.12.2012, State Government needs to initiate credible action on the violations by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under Section 15 of the Act for the period for which the violation has taken place and the evidence provided to MoEF, GoI of the credible action taken. The MoEF, GoI has requested to initiate necessary action under section 15 of the Environmental (Protection) Act, 1986 and inform the credible action taken to the Ministry.

Further, the MoEF, GoI in a separate letter addressed to the project proponent (i.e., M/s. Akkayya Consultancy Services) of same date (i.e. 04.06.2013) has informed that the violation has to be dealt as per Ministry's OM No. J-11013/41/2006-IA-II(I) dated 12.12.2013, as per 5(i) of the above OM, the clearance shall be issued to the project only after the matter relating to the violations has been put up to the Board of Directors of the company or to the Managing Committee/CEO of the Society, Trust, Partnership/individually owned concern for consideration of its environment related policy/plan of action as also a written commitment in the form of a formal resolution to be submitted to MoEF/SEIAA to ensure that violations of the Environment (Protection) Act etc. will not be repeated.

The MoEF, GoI has requested the proponent to submit a written commitment as above within 60 days and further action on the project proponent

will be based on the receipt of the same. A copy of the letter is marked to Chairman, KSCZMA for information. The project proponent vide letter dated 18.06.2013 has submitted the above said resolution to MoEF, GoI with a copy marked to Chairman, KSCZMA for information."

KSCZMA meeting held on 08.01.2014:

The KSCZMA in its meeting held on 08.01.2014 noted that the structures within 0- 200 m from the Sea HTL (i.e., No Development Zone) were of temporary nature and built prior to 19-02-1991 i.e. the inception of CRZ Notification, 1991 and reiterated the earlier decision of the KSCZMA meeting dated 30.06.2008.

Regarding the structures that have come up between 200 - 500 m from the HTL of sea, the Authority decided to issue Show Cause Notice to the proponent under Section 15 of the said Act for not obtaining prior CRZ clearance and for levy of penalty under Section 19 of the Act at the maximum rate of Rs. One Lakh per structure. The Authority directed the Secretary, KSCZMA to obtain a report from Regional Director (Environment) on the number and location of the structures that are in existence and in operation supported by drawings to facilitate issue of show cause notice.

Accordingly in response to the Departmental letter dated 11.02.2014 the RD (Env), Udipi inspected the site 07.03.2014 and has submitted the following report (vide letter dated 12.03.2014):

The following are the number and location of the structures that are in existence in the area between 200 to 500mtr from the HTL of sea.

Sl. No	Description of the building	Building no. in the Layout Plan	G.P.S. reading of the location	Distance from HTL(in mtrs)	Plinth Area in sq. mtr	Building height in mtrs	Remarks
1	2	3	4	5	6	7	8
1.	Administration Block	B20	N13°52'35.3" E74°36'10.9"	220	257.30	6.20	Operational
2.	Water Tank (Ground level)	B21	N13°52'32.8" E74°36'13.8"	280	79.20	--	Operational
3.	Fire Cottage-1	B22	N13°52'33" E74°36'12.1"	230	45.58	6.00	Not operational. Building at foundation level

4.	Fire Cottage-2	B23	N13°52'33" E74°36'12"	230	45.58	6.00	Not operational. Building at foundation level.
5.	Sun Cottage	B24	N13°52'33.6" E74°36'12.5"	250	66.32	6.10	Operational
6.	Bhatkal House(Cottage)	B25	N13°52'34.9" E74°36'12.4"	260	45.58	6.00	Operational
7.	Earth Cottage	B26	N13°52'35.3" E74°36'12.4"	265	45.02	6.00	Operational
8.	Water Cottage-I	B27	N13°52'35.9" E74°36'13"	290	71.44	5.00	Operational
9.	Water Cottage-II	B28	N13°52'36.1" E74°36'13.1"	300	71.44	5.00	Operational
10.	Step Cottage-I Block	B29	N13°52'37" E74°36'13.2"	305	230.23	7.5	Operational
11.	Step Cottage-II Block	B30	N13°52'37.7" E74°36'13.6"	320	230.23	7.5	Not Operational Building at roof level.
12.	Step Cottage-III Block	B31	N13°52'38.3" E74°36'13.8"	330	230.23	7.5	Not Operational Building at roof level.
13.	Restaurant	B32	N13°52'37.5" E74°36'10.2"	225	253.30	8.00	Not Operational Building at foundation level.
14.	Toilet Block near Restaurant	B33	N13°52'37.9" E74°36'11"	245	58.12	6.00	Not Operational Building at lintel level.

15.	Kitchen	B34	N13°52'38.7" E74°36'10.5"	230	338.69	7.60	Not Operational Building at lintel level.
16.	Staff room	B35	N13°52'39.6" E74°36'11.5"	250	47.72	5.30	Not Operational Building at lintel level.
17.	Watch Tower	BI	N13°52'32.9" E74°36'13.3"	265	55.2	5.00	Operational
18.	Overhead water tank on pillars	BII	N13°52'36.1" E74°36'11.5"	250	90.75	10.00	Not Operational structure at completion level.
19.	Water storage sump(ground level)	BIII	N13°52'39.4" E74°36'13.6"	230	36.33	--	operational
20.	STP+pump house	BIV	N13°52'39.3" E74°36'9.3"	202	88.	3.5	operational

The Regional Director (Env), Udipi submitted that as shown above there are twenty structures both operational and non operational as indicated in remarks column existing in the area between 200 to 500mts from HTL of the sea. 16 structures are found in layout Plan (Building Location) of Byndoor Beach Resort as approved by Paduvari Grama Panchayath on 25-11-2003. They are numbered from B20 to B35 in Layout Plan. There are other four structures which are not found in Layout Plan but are existing on the ground. They are marked and numbered from BI to BIV.

The Regional Director (Env), Udipi submitted that the project has been inspected on 07.03.2014 and records have been verified and compared with the site photographs.

The Authority after deliberations decided to issue Show Cause Notice (SCN) to the project proponent under Section 5 read with Section 15 of Environment (Protection) Act, 1996 for not obtaining prior CRZ clearance in respect of the 11 structures which are operational in the project site (between 200 to 500m from the sea HTL) and to obtain the proponents reply in 2 months time from the date of issue of SCN and place it before KSCZMA for further decision. Further the Authority decided to direct the action taken as per the OM No.J-11013/41/2006-IA-II(I) dated 12.12.2012 of MoEF, GoI. The Authority also directed the DFEE to report to MoEF on the action taken.

6.8: Activities to be taken under the powers of KSCZMA for protecting and improving the quality of coastal environment and preventing, abating and controlling environment pollution in areas of the Karnataka State

Under the functions of KSCZMA (vide Notification No: S.O. 2980 (E) dated 30.09.2013, Para 2 (4) the KSCZMA shall identify ecologically sensitive area in CRZ and formulate the area specific management plans for such identified areas. Under Para 2 (7) of the same Notification, the KSCZMA shall submit such plans prepared by it and modification thereof to the NCZMA for examination and its approval.

As per CRZ Notification, 2011 under Para 7 (i) CRZ-I(A):A. The areas that are ecologically sensitive and the geo-morphological features which play a role in the maintaining the integrity of the coast:-

- (a) Mangroves, in case mangrove area is more than 1000 sq mts, a buffer of 50meters along the mangroves shall be provided;
- (b) Corals and coral reefs and associated biodiversity;
- (c) Sand Dunes;
- (d) Mudflats which are biologically active;
- (e) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986); including Biosphere Reserves as enumerated in Para V(4) (b);
- (f) Salt Marshes;
- (g) Turtle nesting grounds;
- (h) Horse shoe crabs habitats;
- (i) Sea grass beds;
- (j) Nesting grounds of birds;
- (k) Areas or structures of archaeological importance and heritage sites.

The Secretary, KSCZMA submitted that various studies have been done for identification of ecologically sensitive areas in coastal Karnataka by NGOs, educational institutions as well as by others. The information is scattered and with gaps. As such there is a necessity of consolidating the information as a database and compendium of detailed technical information. The Secretary, Environment and Ecology suggested to constitute a Sub-Committee of experts to gather the research studies so far taken place and to give detailed report on need for further studies required to conserve the west coast, keeping in view the CRZ notification in mind.

The Authority decided to identify the gaps in taking of further studies if needed after compilation of studies already conducted so far. After deliberations the Authority also decided to constitute a Sub-Committee consisting of the following members for conducting the above study:

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| (1) Dr. Gangadhara Gowda, Member KSCZMA | Chairman |
| (2) Dr. K.S. Jayappa , Member KSCZMA | Member |
| (3) Dr. V.N.Nayak, Professor &Head Department of Marine Biology Centre, Karwar | Member |

- 7/11/2014
- (4) Dr. M.D. Subhash Chandra, Retired Professor, Member
Indian Institute of Science, Bangalore & Advisor
for Centre for Environment Science, KUMTA,
 - (5) Dr. Philitose, Head, CMFRI Centre, Karwar Member
 - (6) Regional Director(Environment) of the concerned District Convenor

The following is the terms of reference for the sub-committee:

- (1) The duration for submission of the report is four months from the date of approval to the proceedings.
- (2) The sub-committee to make detailed presentation before the KSCZMA on the report.
- (3) Regional Directors (Environment) of concerned districts to co-ordinate with the sub-committee to facilitate logistics and any other issues sought by the sub-committee.

Further the Authority also decided to authorize the Sub-Committee to prepare a detailed proposal in project mode along with the requirement of financial assistance if any.

6.9: Preparation of Integrated Coastal Zone Management Plan (ICZMP) for Karnataka.

Under the functions of KSCZMA [vide Notification No: S.O. 2980 (E) dated 30.09.2013, Para 2 (6)] the Authority shall indentify economically important stretches in the CRZ and prepare the Integrated Coastal Zone Management Plan for the same. Under Para 2 (7) of the said Notification, the KSCZMA shall submit the plans prepared by it and modification thereof to NCZMA for examination and approval. The Department had written to MoEF, GoI on 21.08.2010 to include Karnataka State under Phase-II of World Bank Assistance for preparation of Integrated Coastal Zone Management Plan(ICZMP) for Karnataka. There is no reply from MoEF, GoI so far in response to the Department's letter. The letter addressed to MoEF, GoI along with a brief note was perused by the Authority. The Secretary to Govt, Ecology and Environment said that the Tamil Nadu CZMA has submitted a project under this scheme and they are getting huge financial assistance from the central govt. He suggested taking a decision to prepare DPR for the project to tap the funding for our west coast as well.

The Deputy Commissioner, Karwar special invitee in meeting suggested taking the help of KUD, Karwar Centre which is a specialized research centre for marine science in preparation of DPR.

After deliberations the Authority decided to obtain official quotations for preparation of DPR along with cost from (1) M/s. Centre for Earth Science Studies, Thiruvananthapuram, (2) National Institute of Oceanography, Panjim, Goa and (3) M/s. Institute for Remote Sensing, Anna University, Chennai which are also the authorized agencies for demarcation of HTL/LTL in the CRZ. The Secretary, KSCZMA was directed to place the information received from these agencies before KSCZMA for a decision to

identify an agency for preparation of DPR so as to enable the Department to submit the DPR to MoEF, Gol to seek financial assistance from the funding agency.

6.10: Charging processing/scrutiny fees payable by the project proponents seeking CRZ Clearance from KSCZMA.

- (a) The Secretary to Government (Ecology & Environment) and Special Director & Secretary KSCZMA along with Scientific Officers visited to Department of Environment, Tamil Nadu Government on 16.04.2014 to study the functioning of TNCZMA and SEIAA, Tamil Nadu. During visit the officials told that the Tamil Nadu Coastal Zone Management Authority (TNCZMA) is charging scrutiny fee payable by project proponent seeking clearance from TNCZMA. Relevant records were also collected and studied along with the similar decisions by Gujarat and Maharashtra Governments.
- (b) The following is the fees structure vide G.O. dated 15.10.1999 of Tamil Nadu Government.

Project cost in Rs.	Scrutiny fees in Rs.
Below 5 Crores	50,000
Above 5 Crores - below 50 Crores	2 Lakhs
Above 50 Crores-below 100 Crores	5 Lakhs
Above 100 Crores-below 500 Crores	10 Lakhs
Above 500 Crores	20 Lakhs

The above fee structure is applicable to all projects including Government and its undertakings also.

- (c) Further the Gujarat CZMA is charging scrutiny fees as per the following slab system vide guidelines issued.

Project cost	Scrutiny fees
Upto Rs. 5 Crores	Rs.25,000
Between Rs. 5 Crores and 100 Crores	Rs.1 Lakhs
Rs. 100 Crores and above	Rs.5 Lakhs

- (d) The Maharashtra CZMA had sent a proposal for charging processing fees seeking permission of MoEF/ NCZMA vide record of minutes 14th September, 2009 of NCZMA. The Maharashtra CZMA is charging processing fees as per the following slab system vide Office Memorandum dated 19.04.2010 after obtaining permission of MoEF, Gol on 13.04.2010:

Investment cost	Charges
Rs.1 to 5 Crores	Rs. 1 Lakhs
Rs. 5 Crores to 50 Crores	Rs.2 Lakhs
Rs.50 Crores onwards	Rs.5 Lakhs

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The Authority also noted that SEIAA, Karnataka is also charging processing fees from applicants seeking Environmental Clearance from SEIAA, Karnataka as per G.O. dated 10.05.2013.

After deliberations, the KSCZMA decided to propose to charge the following processing/scrutiny fee structure from applicants seeking CRZ clearance after getting approval from the Finance Department and followed by issue of G.O. in this regard in DFEE. The Secretary, Environment and Ecology to move the file for approval of the competent authority and issue of GO.

(1) Dwelling units:

Plinth area in Sq.ft	Processing/scrutiny fee (in Rs.) for dwelling units
Upto 1000 Sq.ft	Rs.100.00
Above 1000 Sq.ft	Rs.500.00

(2) Commercial Projects:

Investment cost (commercial projects)	Charges in Rs.
Upto Rs. 1 Crore	Rs. 50,000
Rs.1 Crores to 5 Crores	Rs.1 Lakh
Above 5 Crores to 50 Crores	Rs.2 Lakhs
Rs. 50 to 100 Crores	Rs.5 Lakhs
Above 100 Crores	Rs.10 Lakhs

6.11: Payment of sitting fees for KSCZMA members on par with GoI.

It was informed to the Authority that the DFEE is making a payment of sitting fees of Rs. 1500 with TA/DA as applicable for KSCZMA members as per the G.O. No.FEE 39 CRZ 2014 dated 05.05.2014.

The Authority perused the MoEF, GoI vide order No.F.No.J-15012/1/2005-IA.I dated 14th June, 2010, the MoEF while reconstituting Environmental Appraisal Committee in terms of provision of EIA Notification, 2006 and also projects requiring clearance under the CRZ Notification, 1991 has provided as follows:

“The non-official members/co-opted experts/independent nominated experts attending the Committee meetings/site visits are also entitled for honorarium of Rs. 3000/-per day and road mileage as per Government Rules”.

Further it was also informed to the Authority that the Department of Environment, Forests, Science & Technology (Env) Government of Andhra Pradesh vide G.O. dated 17.02.2009 has enhanced the sitting charges to Rs.3000 per day besides TA/DA excluding local conveyance and accommodation to the Chairmen and members of SEIAA and SEAC of Andhra Pradesh. The G.O. dated 17.02.2009 was perused by the Authority.

The Authority was also informed that Boards and Corporation such as KSPCB, KIADB, EMPRI etc are paying sitting fees of Rs.1000 to the official members also and it should be extended to all official members of the KSCZMA as well. Similarly, there is a request from the DCZMC members that their sitting fees also need to be enhanced from Rs. 250 to Rs. 1000.

After deliberation the Authority decided to provide sitting fees of Rs. 3000 (excluding TA/DA as applicable) for both official and non-official members of the KSCZMA and to issue necessary G.O. in this regard by DFEE.

Further, the Authority also decided to provide sitting fees of Rs. 1000 (excluding TA/DA as applicable) for official and non-official members of DCZMCs and to issue necessary G.O. in this regard by DFEE.

6.12: Furnishing of report of activities to NCZMA and MoEF.

Under the functions of KSCZMA (vide Notification No: S.O. 2980 (E) dated 30.09.2013, Para 2 (10) the KSCZMA shall furnish report of its activities at least once in 6 months to the NCZMA and MoEF. After the re- constitution of the authority as per the said Notification, 5 meetings have been held. Copies of these proceedings have been sent to NCZMA/ MoEF. The subject was brought for information which was noted.

6.13: Checklist for submission of application for CRZ Clearance from project authorities.

The Secretary to Government (Environment & Ecology) explained the procedure followed in processing of applications for CRZ clearance. He further said that there is no uniformity in obtaining records required for processing the file amongst the district officers. Hence, there is need for adoption of generalized checklist. It was informed to the Authority that as per Para 4.2 of CRZ Notification, 2011 the project proponents shall apply in prescribed format along with various documents seeking prior CRZ Clearance to the CZMA. Presently the project proponents submit application for CRZ Clearance to the Regional Director (Env) concerned. The RD (Env) will inspect the site and submit the application with the recommendation DCZMC to KSCZMA for consideration. The MoEF, has published a checklist for submission of application for CRZ Clearance from project authorities. (vide Annexure-1). The above mentioned checklist was studied under the guidance of Secretary and simplified checklists have been prepared to suit to our state. In respect of CRZ Clearance for dwelling units an abridged checklist is devised since so much of details are not required. The checklist for submission of application for CRZ Clearance from project authorities for dwelling units is in Annexure-2.

After deliberations, the Authority approved the above checklists as at Annexure 1 & 2. The Authority directed the Regional Directors (Environment) to help the applicants in filling up the checklist, verify, attest and submit along with the application for CRZ Clearance for consideration of KSCZMA.

The Authority also directed the Secretary KSCZMA to prepare Kannada translation of the checklists at Annexure-1 & 2 and to circulate to Regional Directors for necessary action.

The Authority also decided to have a web based online application system for CRZ clearance similar to that of SEIAA, Karnataka with instructions to Secretary, KSCZMA to place the proposal before next KSCZMA meeting for consideration.

6.14: Preparation of Coastal Zone Management Plan (CZMP) for Karnataka.

As per guidelines issued by MoEF, GoI under CRZ Notification 2011 for preparation of Coastal Zone Management Plans (CZMP), there are three types of maps to be prepared namely (a) Coastal Zone Management Maps in 1:25000 scale with clear demarcation of High Tide Line (HTL) and CRZ Zones as defined in the notification. (b) Preparation of maps for local level use in cadastral scale of 1:4000. (c) Preparation comprehensive development maps for sensitive areas.

a) Coastal Zone Management Maps in 1:25000 scale

As per CRZ Notification, 1991 the demarcation of HTL and LTL has to be carried out on the CRZ maps of scale 1:25,000. The Coastal Zone Management Plan (CZMP) Maps were prepared with the assistance of KRSAC and was approved by MoEF on 27.09.1996 as per the CRZ Notification 1991 for the 3 coastal districts of Karnataka in 1:25,000 scale. The MoEF, has issued CRZ Notification, 2011 in supersession of CRZ Notification 1991. The CRZ maps have to be prepared by adopting the latest HTL and LTL along with CRZ zonation as per CRZ Notification, 2011 in 1:25,000 scale and these maps are to be prepared by MoEF authorized agencies. After map preparation, these are to be published widely for the local people and invite comments and public consultation. After public consultation and incorporation of changes, then draft maps are submitted for approval of MoEF through KSCZMA. Only for these maps are approved by MoEF.

Secretary to Government (Ecology & Environment) informed the Authority that so far we have not initiated the process of these maps preparation. Meanwhile the MoEF extended the use of existing approved CRZ maps upto the end of January 2015 vide the Government of India Gazette dated 09.05.2014. Further, the MoEF directed all CZMAs to submit the draft maps by 30.09.2014 for approval. He also said that many states like Maharashtra, Tamil Nadu and Gujarat have already assigned the work of map preparation to agencies authorized by MoEF. For instance, the TNCZMA has given the task to M/s. IRS, Anna University, Chennai. We also visited the IRS Chennai and the Director made presentation on how the maps are prepared and the time taken to prepare. They are ready to take up our map preparation work. Further, the Secretary (E&E) emphasized the need for identification of agency for preparation of 1:25,000 scale maps with HTL & LTL in the light of extension of the time and fixing deadline by GoI in the Notification dated 09.05.2014.

Authority after deliberations decided to obtain quotations from Institutes/ Agencies authorized for demarcation of HTL/LTL by MoEF, which are near to the Karnataka State preferably from Centre for Earth Science Studies, Thiruvananthapuram, Institute for Remote Sensing, Anna University, Chennai and National Institute of Oceanography, Panjim, Goa. The Secretary, KSCZMA is directed to process the quotations on file for approval of the Chairman.

b) Preparation of maps for local level use in cadastral scale of 1:3960 or 4000

These cadastral maps are prepared for the use by local authorities for the purpose of development and also for conservation measures. Once the HTL, LTL and CRZ zones are approved by the MoEF the same data is used for preparation of local level maps at later stage.

In this regard the KSCZMA has assigned the job of preparation of maps at cadastral scale and are at advance stage of preparation by NHO, Dehradun. The Secretary to Government (Ecology & Environment) informed that he had a meeting with representatives from M/s. IIC Technologies, Hyderabad who are authorised agents for preparation of maps for NHO Dehradun and DFEE (NHO officials were absent) was held on 15.05.2014 to discuss these issues and the following observations have been made:

- 1) The CZMP maps prepared by NHO on 1:4000 scale are initially based on CRZ Notification-1991 as the task was assigned to NHO Dehradun prior to CRZ Notification 2011 and later on requested to incorporate changes as per CRZ Notification-2011. However, it is not clear either from the NHO or IIC Technology whether the maps are CRZ Notification-2011 compliant or not. There is no official communication on this issue as well. Further, during the discussion it was told that the HTL & LTL lines used are as per CRZ Notification-1991 and are of old data. Such being the case it was felt that these maps cannot be used for approval for the following reasons:
 - The maps are in 1:4000 scale and Govt approves only 1:25000 maps as per CRZ Notification.
 - The data used for HTL & LTL are of old and there will be minor changes in the HTL & LTL over a period of time.
- 2) It was requested to M/s. IIC Technologies to provide shape files of maps with HTL/LTL lines and all cadastral maps so that DFEE can utilize the same after effecting modifications as per CRZ notification 2011 after approval of 1:25000 scale maps. The M/s IIC Technologies agreed to provide the maps in shape files as well as in hard copies provided the balance payment is cleared.

The Secretary to Govt (Ecology and Environment) said that the cadastral maps prepared by the NHO Dehradun are not going to waste as these are in the form of GIS format and can be used for local level planning with little modification. These maps are also useful when we develop web based GIS for KSCZMA in the later stage.

The Authority after deliberations agreed for obtaining the shape files of cadastral scale maps along with HTL and LTL lines from M/s. IIC Technology, Hyderabad and provide the same to M/s. KRSAC for preparation of CZM maps as per CRZ Notification-2011 once the CZMP maps are approved by MoEF. The Authority also decided to release the balance payment to M/s. IIC Technology, Hyderabad with the approval of the Chairman on the file.

6.15: Closure of CRZ files.

The CRZ files are opened for issue of CRZ clearance/ NOC to the project. These files are closed after action on all issues under consideration in the file has been completed. Thereafter the file will be sent to records section as per the Secretariat Manual. The records shall be preserved indefinitely (Class-A), for 30 years (Class-B), for 10 years (Class-C), and destroyed in one year (Class-D). Presently the CRZ files are being closed under Class-D. However, in view of the RTI queries and CRZ violations that are taking place in the coastal area, it is necessary that these files are closed at least under Class-C and kept in Records Section for future reference.

After deliberations the Authority agreed for closing CRZ files under Class-C as per Secretariat Manual in general and in case the files are required for Court cases where violation have occurred, the file need to be kept open till the case is closed.

6.16. Additional Agenda:

6.16.1 Preparation of Comprehensive Plan in consultation with the traditional coastal communities including fisher folk and incorporating necessary disaster management plan in accordance with the provisions of CRZ Notification, 2011 (FEE 195 CRZ 2012 P-1)

The Department has approved preparation of the Comprehensive Plan for Dakshina Kannada District by Smt. Deepika Shetty, Associate Professor, Manipal School of Architecture and Plan vide letter No.FEE 195 CRZ 2012 dated 15.04.2013 under Head of Account 3435-60-800-0-03 Sub Head of Account 051 (General expenditure) based on the approval for quotation for Rs. 96,000 and recommendation of DCZMC meeting dated 24.01.2013. Subsequently the Regional Director (Env), Mangalore has issued order dated 07.06.2013 entrusting the work to Smt. Deepika Shetty for an expenditure of Rs. 96,000 as per the quotation.

Smt. Deepika Shetty has informed vide letter dated 07.01.2014 that 75% of the report is complete and has requested for the release of Rs. 60,000 of the total amount of Rs. 96,000 so as to allow her to make payments due to the people involved. The same is also endorsed but the RD (Env) in his letter dated 13.01.2014 enclosing a copy of the status report submitted by Smt. Deepika Shetty. The DC- Karwar, Special Invitee raised the issue of Mathsya Ashraya Scheme (MAS) for fishermen committee and requested not to link the preparation of compliance plan with that of MAS.

After deliberation the Authority agreed for release of partial amount of Rs. 60,000 by RD(Env) payable to Smt. Deepika Shetty and obtain the report along with soft copy and use the same for ICZM Plan for Karnataka.

The Authority decided that since the comprehensive plan is to be prepared based on CZMP maps (of 1:25,000 scale approved by MoEF, GoI as per the provision of CRZ Notification-2011), the comprehensive plan prepared by Smt. Deepika Shetty be obtained after clearing the dues with all the details minus the approved HTL & LTL and zonation as per CRZ Notification-2011. Once the 1:25,000 maps with HTL, LTL and zonation are approved by MoEF, the same may be incorporated on these maps and used in the later dates with the approval of MoEF.

6.16.2. CRZ Clearance for Construction of residential Apartments at Sy.No. 80/6P of 0.168 acre, Idya village, Suratkal Mangalore of M/s. City Real Estate Suratkal Mangalore (FEE 927 CRZ 2014/ FEE 200 CRZ 2012).

The above proposal was considered in the KSCZMA meeting held on 03.09.2013 and the following facts were placed before the Authority:

1. RD(E) inspected site on 2-8-2012 and reports the M/S City Real Estate as submitted the proposal to construct a ground floor + four floors residential apartments at a net area 1036.72 Sq mts. Consisting of 136.27 sq. mts of built up area.
2. The proposed site falls in the municipal limit of Mangalore City Corporation.
3. To the seaward side there is fishery road constructed prior to 1991 named Gudde koppallu to Dodda koppallu road.
4. The proposed site is 440 mts away from the HTL of the sea.
5. Since the RD has powers to issue NOCs to individual dwelling units not exceeding ground + first floor. The proposal is submitted for the consideration at KSCZMC.

The following remarks were also placed before the Authority:

1. The site falls in CRZ II area, as per CRZ Notification para 8 (II) CRZ-II (i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
2. Located towards the landward side of existing fisheries road constructed prior to 1991.
3. As the proposed activities permissible, proposal is placed for decision of the Authority.

The extract of the proceedings of the above KSCZMA meeting dated 09.09.2013 is reproduced below:

"In respect of construction proposals in CRZ-II of Dakshina Kannada District, the Chairman expressed concern about huge structures coming by the side of the existing fisheries road that may not withstand the heavy vehicular traffic. The Authority wanted more information on the access road to these buildings. The Chairman directed the Member Secretary to verify the access roads other than fisheries road from the authorized town planning maps and issue NOC only after verifying the availability of access roads to

proposals in Sl. No. 1 and 3 of Dakshina Kannada District after obtaining inspection report from the concerned RD (E)."

Accordingly the Regional Director (E) Mangalore was requested to inspect the site and report vide letter dated 03.01.2014. The RD(E) vide letter dated 23.04.2014 has reported as follows:

1. There is a public road by name City Garden road which is 12m wide and located adjacent to the proposed project and runs north to south.
2. There is a fisheries road (from Guddakopla to Doddakopla) which is an old fisheries road prior to 1991 on the seaward side. This road is reserved for fisheries activities.
3. NH-66 is 300m away from the project site.

The Authority noted that the DCZMC vide its meeting dated 20.05.2014 has recommended the proposal to KSCZMA pursuant to departmental letter dated 17.05.2014.

The Authority after deliberation decided to issue CRZ clearance to the above proposal as it is a permitted activity under CRZ Notificaiton-2011.

6.16.3. Issue of NOC to construction/reconstruction/repair dwelling units in CRZ-II & III (200 to 500m) area and outside CRZ limits-regarding.

The department had issued letters No. FEE 67 CRZ 2009 dated 05.07.2011 delegating the powers for issue of NOC to construction/reconstruction/repair in CRZ-III (200 to 500m) area to Regional Director (Env) in view of the proposals seeking CRZ clearance were getting piled up in the KSCZMA and this is a permitted activity under CRZ Notification-2011. Further the time limit prescribed under Para 4.2 (ii) of the CRZ Notification, the KSCZMA should consider within 60 days from the date of receipt of complete application. The following policy decisions were taken which were later ratified by the KSCZMA meeting held on 15.09.2011.

- (a) Proposals of construction/ re-construction / repair of dwelling units within area between 200 meters to 500 meters from the HFL in the CRZ-III which are within the ambit of traditional rights and customary uses such as existing fishing villages and godams may be permitted by the Regional Director (Env) concerned subject to local town and country planning rule with over all height of construction not exceeding 9 meters with two floors (Ground + 1 floor).
- (b) The Regional Director (Env) concerned shall receive the application complete in all respect, verify with reference to the approved coastal zone management plan and issue necessary NoC subject to ratification by the State Coastal Zone Management Authority and communicate the decision to the applicant within 30 days from the date of receipt of the application.
- (c) The details of clearances so issued shall be submitted every month for ratification by the State Coastal Zone Management Authority which will be placed before the State Coastal Zone Management Authority and the ratification order issued.

The delegation of the powers to RD(E) were also extended to issue of NOC for construction / re-construction of individual dwelling units not exceeding ground + 1 floor in CRZ-II areas vide letter dated 17.10.2011 after ratification by KSCZMA meeting held on 15.09.2011.

Further, the delegation of the powers to RD(E) were also extended for issue of NOC for the individual residential units situated beyond CRZ limits as per the definition in the Notification No. S.O. 19 (E) dated 6th January 2011 and the proposals submitted following the procedure laid down as above.

However the above delegated powers were withdrawn as per the decision taken in the KSCZMA meeting dated 26.08.2013 to withdraw the letters issued from DFEE to the Regional Directors (Environment) DFEE of Udipi, Uttara Kannada and Dakshina Kannada Districts vide D.O. No. FEE 67 CRZ 2009 dated 05.07.2011, 17.10.2011 & 23.01.2012 in this regard. The Authority had decided to return all such proposals to the Regional Directors (Environment) for placing before the DCZMC. Accordingly the above powers were withdrawn vide letter No. FEE 67 CRZ 2009 dated 24.10.2013.

The Authority, however noted the above delegated power to Regional Director (Env) is for a permitted activity under CRZ Notification, the dwelling units are of small size and conferring the powers to RD (E) would ease hardship to local poor people by speeding up the issue of NOC to the dwelling units.

After deliberations the Authority decided to follow procedure mentioned in Annexure-3 to this proceeding to dispose of applications locally by concerned RDs only in respect of proposals regarding construction/reconstruction/repair dwelling units in CRZ-II & III (200 to 500m) area and outside CRZ limits after the approval of DCZMC and subsequent ratification by KSCZMA. Other than the above said activities, all the proposals should be invariably placed before the Authority.

6.16.4. Providing opinion for conversion of agriculture land for individual residential purpose only-regarding.

The Department had also issued letter no. FEE 67 CRZ 2009 dated 23.01.2012 as per the decision taken in the KSCZMA meeting dated 19.12.2011 to direct the Regional Directors (Env) to issue NOC for conversion of agriculture land for individual residential purpose only in the zones where construction of residential units are permitted as per the CRZ Notification, 2011 subject to the following conditions:

- (a) Conversion may be ordered only for bonafide purpose, for construction of house for own use with a condition that construction should be undertaken with prior approval / clearance from the authority concerned as per CRZ Notification, 2011.
- (b) The land / building in CRZ so converted should not be sold/transferred to a non-traditional local coastal community.

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However the above delegated powers were withdrawn as per the decision taken in the KSCZMA meeting dated 26.08.2013 to withdraw the letters issued from DFEE to the Regional Directors (Environment) DFEE of Udupi, Uttara Kannada and Dakshina Kannada Districts vide D.O. No. FEE 67 CRZ 2009 dated 23.01.2012 in this regard. The Authority had decided to return all such proposals to the Regional Directors (Environment) for placing before the DCZMC.

Further, during the KSCZMA meeting held on 03.09.2013 in respect of the proposals regarding construction/reconstruction of dwelling units and conversion for the same, the Chairman observed that there is no mention of conversion in CRZ notification. The Member Secretary brought before the Authority earlier decision of KSCZMA on which basis the letter no. FEE 67 CRZ 2009 dated: 23.01.2012 was issued. The Chairman felt that the conversion is not in the ambit of the notification. Hence the Authority decided not to deal with the issue of conversion of the area. Accordingly the above powers were withdrawn vide letter No. FEE 67 CRZ 2009 dated 24.10.2013.

At this point of time, Deputy Commissioner-Karwar, Special Invitee & Chairman of DCZMC, appealed to the Authority that the Deputy Commissioner's Office is not requesting the NOC from RD(E)s for land conversion proposals but only the opinion from RD(E)s as to whether the proposed activity is coming under CRZ(with zoning) and is a permitted activity under CRZ Notification-2011. Based on the report of RD(E)s the land conversion will be considered by the Deputy Commissioner's office.

The Authority after deliberations decided to issue directions to the Regional Directors (Env) to give their opinion on the proposals which are before the concerned DCs seeking land conversions from agriculture to Non Agricultures as per Revenue Act so as to the land in question is either in CRZ or otherwise as per the CRZ Notification-2011. Further, the Authority directed the Secretary, KSCZMA to process the letter to RDs on file detailing the procedure for issue of such opinion on request from Deputy Commissioners only.

The Authority decided to convene the next meeting of the Authority at Udupi on 26.07.2014.

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.

No. FEE 236 CRZ 2013

MH

(Dr. M.H.Balakrishnaiah)

Secretary, KSCZMA and

Special Director (Technical Cell)

Forest, Ecology & Environment Department.

Meeting of the 6th Karnataka State Coastal Zone Management Authority
(KSCZMA) held on 11th June 2014 at 11.00 AM at Karwar.

LIST OF MEMBERS/OFFICERS PRESENT

1. Sri M. Madan Gopal, IAS,
Chairman, KSCZMA &
Additional Chief Secretary to Government,
Department of Forest, Ecology & Environment,
MS Building, Bangalore - 560 001
In Chair
2. Additional Chief Secretary to Government,
Tourism Department,
Vikasa Soudha Bangalore.
(Represented by Sri.Motilal.K.Lamni
Assistant Director Tourism, Karwar)
Present
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
Absent
5. Sri. Ramachandhra, IFS,
Secretary to Govt. (Ecology & Environment)
Forest, Ecology and Environment Department
Bangalore- 560 001.
Present
6. Sri. Vijaya Kumar , IFS,
Member Secretary,
Karnataka State Pollution Control Board,
No. 49, Parisara Bhavan, Church Street,
Bangalore- 560 001.
Absent
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.
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,
Béjai Post, Mangalore-575004. Absent
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

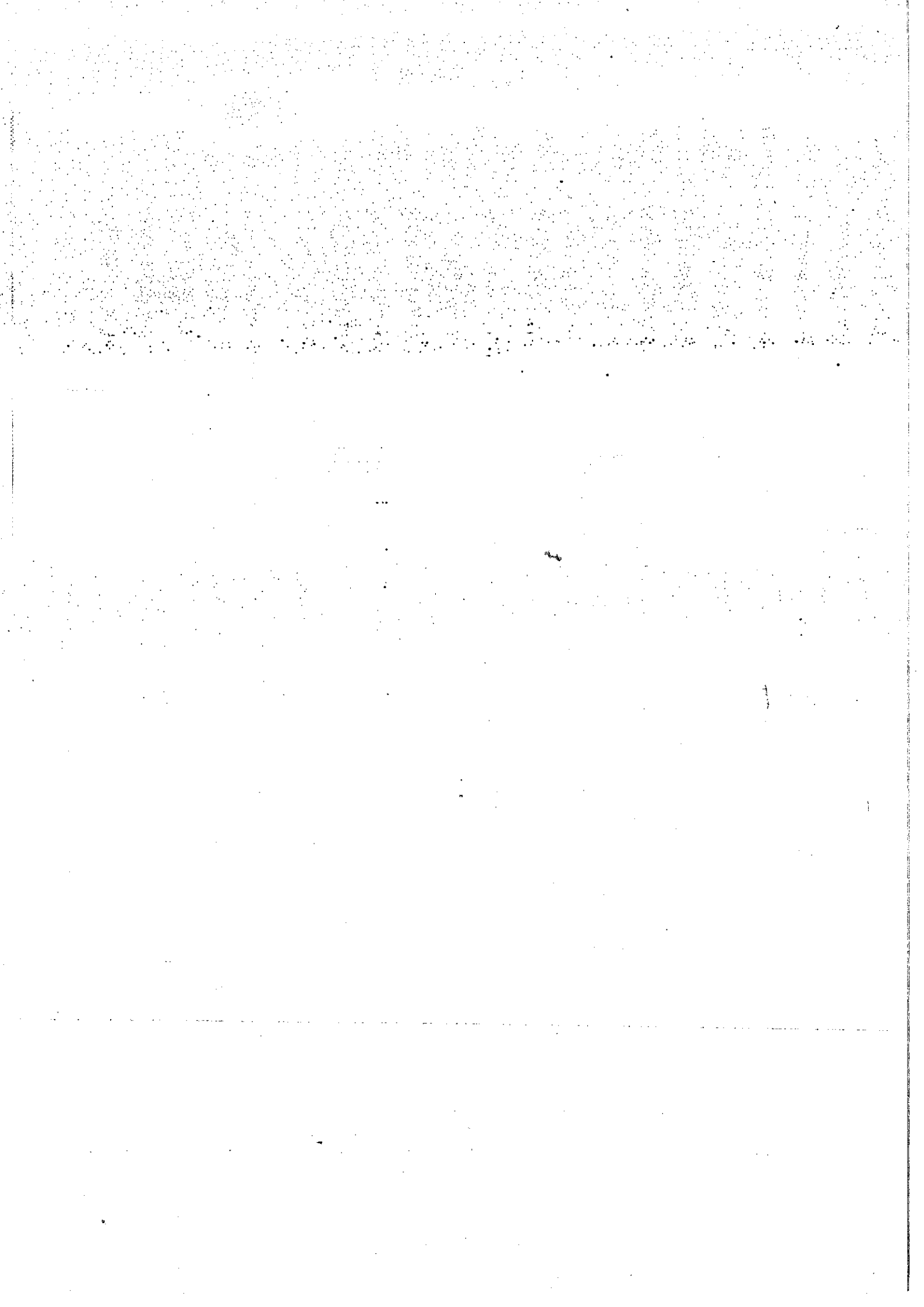
Other Officers Present:

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

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ANNEXURE-1

Checklist for Submission of Application for prior CRZ Clearance

Date of receipt of application:

SL. No.		Details	Yes/No	Page No.
1		Duly filled Form I as per annexure IV of CRZ Notification 2011		
2		Whether proposed project covered under EIA Notification, 2006		
	a	If yes, duly filled Form I & IA prescribed as per EIA notification, 2006		
3		Executive Summary of the project		
4		CRZ Status		
	a	CRZ classification of the proposed project site.		
	b	CRZ map indicating HTL & LTL demarcated by one of the Authorised agency in 1:4000 scale or on the Approved CZMP of the area showing the site under consideration		
	c	Project layout superimposed on the above map indicated at (b) above		
	d	CRZ map covering 7 km radius around the project site & indicating CRZ I, II, III & IV areas including other notified ecologically sensitive areas		
	e	If Project Site falls in CRZ I A/ CRZ I B, then submit the following		
	i	Distance of the project site from mangroves/ HTL		
	ii	Density of mangroves & extent of 50 meter buffer zone from project site		
	f	If Project Site falls in CRZ II		
	i	Whether project site is on landward side of the existing road /authorized structure constructed prior to 19.2.1991		
	ii	If yes, copy of the document to establish, the date of construction of the road/authorized structure.		
	iii	Whether project site is on seaward/ landward side of the Hazard line	NA	

	g	If Project Site falls in CRZ III, distance of project site from HTL & mangroves, if any		
5		Zoning, Landuse & Development Plan remarks from the Competent Authority indicating the following details:		
	i	Status of ownership of the land		
	ii	Copy of Khatha Extract/RTC		
	iii	Permissible height as per norms as on 19.2.1991		
	iv	Permissible height as per current prevailing norms		
	v	FSI calculations as per permissible norms' existing on 19.2.1991 indicating eligible FSI in the proposed project		
	vi	Permissibility of proposed use as per development plan as on 19.2.1991		
	vii	Development plan of the area indicating site under reference, zoning, reservation etc.		
	viii	Land use change, if any, in the project		
	ix	Designated reservations, if any, as per development plan/ Regional plan as on 19.2.1991 and as per current prevailing development plan of the area		
	x	Details of notified fishing settlement areas as per development plan existing as on 19.2.1991 from competent Authority		
	xi	Certificate from competent Authority indicating Fisher communities/ other local communities if proposal belongs to fishermen village.		
6		Details of Existing structure/ Infrastructure on site from Competent Authority indicating following details		
	i	Occupation certificate		
	ii	Commencement certificate		
	iii	Authorised plinth map from land records/ city survey office		
	iv	FSI consumed & approved building plan of the existing structure from Planning Authority		
	v	CESS/Dilapidated/dangerous/Unsafe building certificate		
	vi	Slum area declaration Notification along with list of eligible tenants		
	vii	Remarks indicating existing use of the structure		
	viii	Details of court cases/legal matters if any with respect		

		to proposed matter		
	ix	Details of complaints, if any		
	x	If slum rehabilitation Scheme, whether Annexure II regarding eligibility of slum dwellers is issued?		
7		Introduction of the Project/Background information indicating following:		
	i	Identification of the project & project proponent, landownership indicating Khatha No./ Survey Nos. etc.		
	ii	Brief description of nature of the project		
	iii	Need for the project & its importance		
	iv	Demand supply gap or information on similar projects in the region		
8	i	Location of the project showing general location, specific location, Project boundary, project site approved layout with coordinates from Regional Director (Env).		
	ii	Details of the alternative sites considered from environmental point of view		
9		Site Analysis		
	i	Area of the project site (in Sq.m)		
	ii	Connectivity		
	iii	Land form, land use, Land ownership		
	iv	Topography (along with map)		
	v	Existing land use pattern (agriculture, non-agriculture, forest, water bodies shortest distances from the periphery of the project to periphery of the forest, national park, wild life sanctuary, ecosensitive area, water bodies (distance from the HFL of the river). In case of notified industrial area, a copy of the Gazette notification should be given (details to be furnished by Regional Director (Env).		
	vi	Social Infrastructure available		
10		Planning Brief		
	i	Planning concept (type of industries, facilities, transportation etc) Town & Country planning/ Development Authority Classification.		
	ii	Population projection		

	iii	Landuse planning (breakup along with green belt etc)		
	iv	Assessment of Infrastructure Demand (Physical & Social)		
	v	Amenities/ Facilities (existing & proposed)		
	vi	Proposed use		
	vii	FSI proposed to be consumed		
	viii	Whether lift, lobby, staircase etc. are claimed free of FSI & if so whether they are permissible (if so mention the provision)		
11		Proposed Infrastructure		
	i	Industrial area (Processing Area)		
	ii	Residential Area (Non processing Area)		
	iii	Green Belt/Afforestation details		
	iv	Social Infrastructure		
	v	Connectivity (Traffic & Transportation Road/ Rail/ Metro/ Water ways etc)		
	vi	Drinking Water Management (Source & supply of Water)		
	vii	Sewerage System		
	viii	Industrial Waste Management		
	ix	Solid Waste Management		
	x	Power requirement & Supply/ Source		
12		Rehabilitation & Resettlement (R& R) Plan		
	i	Policy to be adopted (central/ state) in respect of the project affected persons including home oustees, land oustees & landless laborers (a brief outline to be given)		
13		Project Schedule & Cost Estimates		
	i	Likely date of start of construction & likely date of completion (Time schedule for the project to be given)		
	ii	Estimated project cost along with analysis in terms of economic viability of the project		
	iii	Share holding of the developer		
	iv	Share holding of the state government		
14		Analysis of proposal (Final Recommendations)		
	i	Environmental cost benefit analysis including financial & social benefits with special emphasis on the benefit to the		

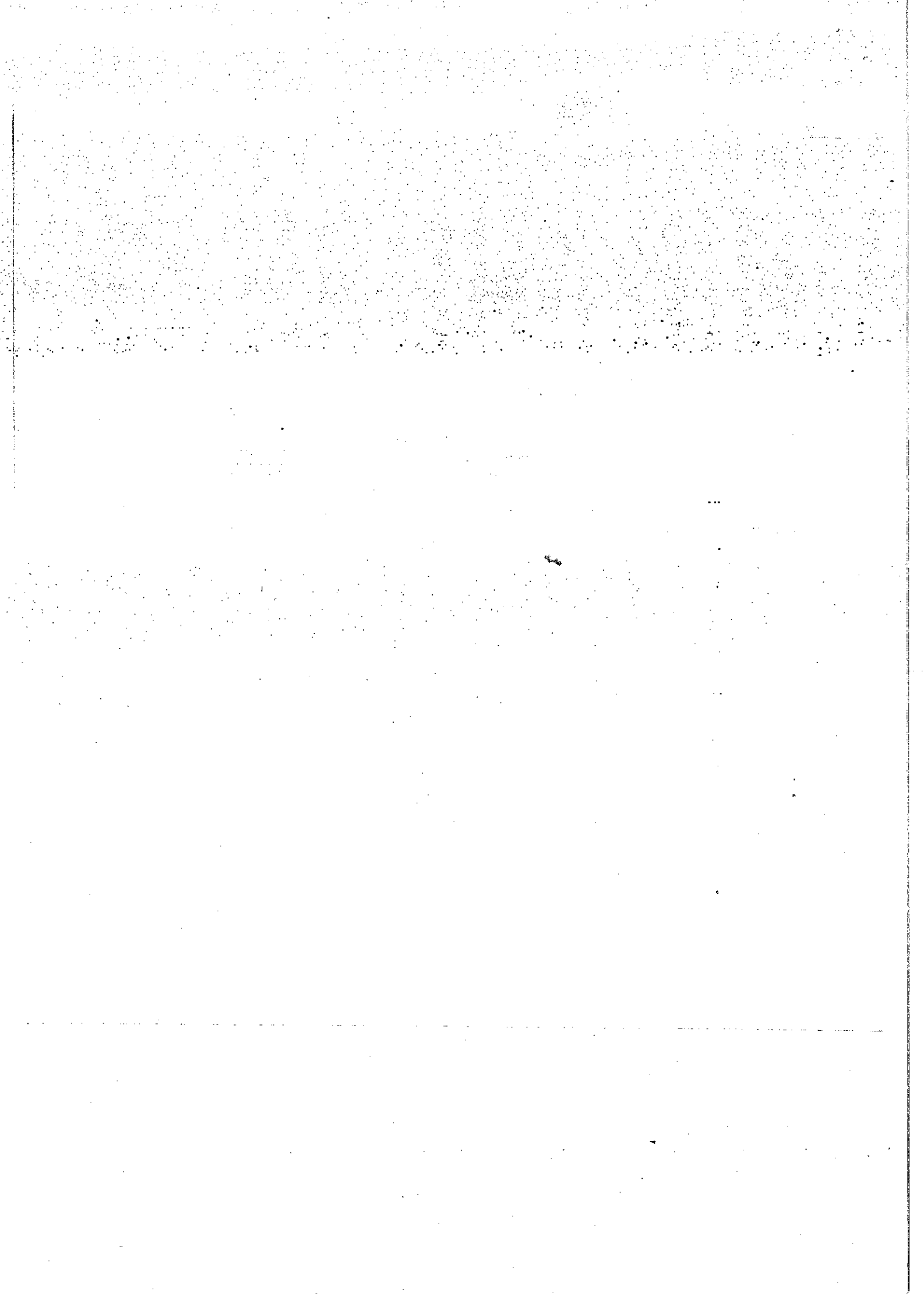
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		local people including tribal population, if any, in the area		
15	i	Rapid EIA report including marine & terrestrial component except for construction projects listed under 4 (c), 4(d) of CRZ Notification, 2011		
	ii	Comprehensive EIA with cumulative studies for projects in the stretches classified as low & medium eroding by MoEF based on scientific studies & in consultation with the State Governments and Union Territory Administration		
	iii	Disaster Management Report , Risk Assessment Report & Management Plan		
	iv	Public consultation Report		
	v	Photographs & Google images of the site indicating existing status & location of the site		
16		Undertaking of the Project proponent for the development through Slum Rehabilitation Scheme along with the state Government to ensure that all legally-regularised tenants are provided houses in situ or as per norms laid down by the State Government in this regard		
17		Undertaking of the Project proponent to agree to be covered under the Right to Information Act 2005 as per the 8 (V) (c)(d) (v) of CRZ Notification 2011		
18		Any other information relevant to the proposal		
		Inspection report of Regional Director (Env)		
		Date of placing before DCZMC		
		Views of DCZMC along with copy of the proceedings duly signed by Regional Director (Env)		
		Recommendation of Regional Director (Env)		

Date:

Place:

Signature of Regional Director



H/107

ANNEXURE-2

Checklist for Submission of Application for prior CRZ Clearance for dwelling units

Date of receipt of application:

SL. No.		Details	Yes/No	Page No.
1		Duly filled Form I as per annexure IV of CRZ Notification 2011		
2		Whether proposed project covered under EIA Notification, 2006		
	a	If yes, duly filled Form I & IA prescribed as per EIA notification, 2006		
3		CRZ Status		
	a	CRZ classification of the proposed site of the project as per CZMP.		
	b	CRZ map indicating HTL & LTL demarcated by one of the Authorised agency in 1:4000 scale or on the Approved CZMP of the area showing the site under consideration		
	c	If Project Site falls in CRZ I A/ CRZ I B, then submit the following		
	i	Distance of the project site from mangroves/ HTL		
	ii	Density of mangroves & extent of 50 meter buffer zone from project site		
	d	If Project Site falls in CRZ II		
	i	Whether project site is on landward side of the existing road /authorized structure constructed prior to 19.2.1991		
	ii	If yes, copy of the document to establish, the date of construction of the road/authorized structure.		
	iii	Whether project site is on seaward/ landward side of the Hazard line	NA	
	e	If Project Site falls in CRZ III, distance of project site from HTL & mangroves, if any		
4		Zoning, Land Use & Development Plan remarks from the Competent Authority indicating the following details:		
	i	Status of ownership of the land		

	ii	Copy of Khatha Extract/RTC		
	iii	Permissible height as per norms as on 19.2.1991		
	iv	Permissible height as per current prevailing norms		
	v	FSI calculations as per permissible norms existing on 19.2.1991 indicating eligible FSI in the proposed project		
	vi	Permissibility of proposed use as per development plan as on 19.2.1991		
	vii	Development plan of the area indicating site under reference, zoning, reservation etc.		
	viii	Land use change, if any, in the project		
	ix	Designated reservations, if any, as per development plan/ Regional plan as on 19.2.1991 and as per current prevailing development plan of the area		
	x	Certificate from competent Authority indicating Fisher communities/ other local communities if proposal belongs to fishermen village.		
5		Details of Existing structure/ Infrastructure on site from Competent Authority indicating following details		
	i	Occupation certificate/proof of building prior 19.02.1991		
	ii	Authorised plinth map. from land records/ city survey office		
	iii	FSI consumed & approved building plan of the existing structure from Planning Authority		
	iv	CESS/Dilapidated/Dangerous/Unsafe building certificate (self certification)		
	v	Remarks indicating existing use of the structure		

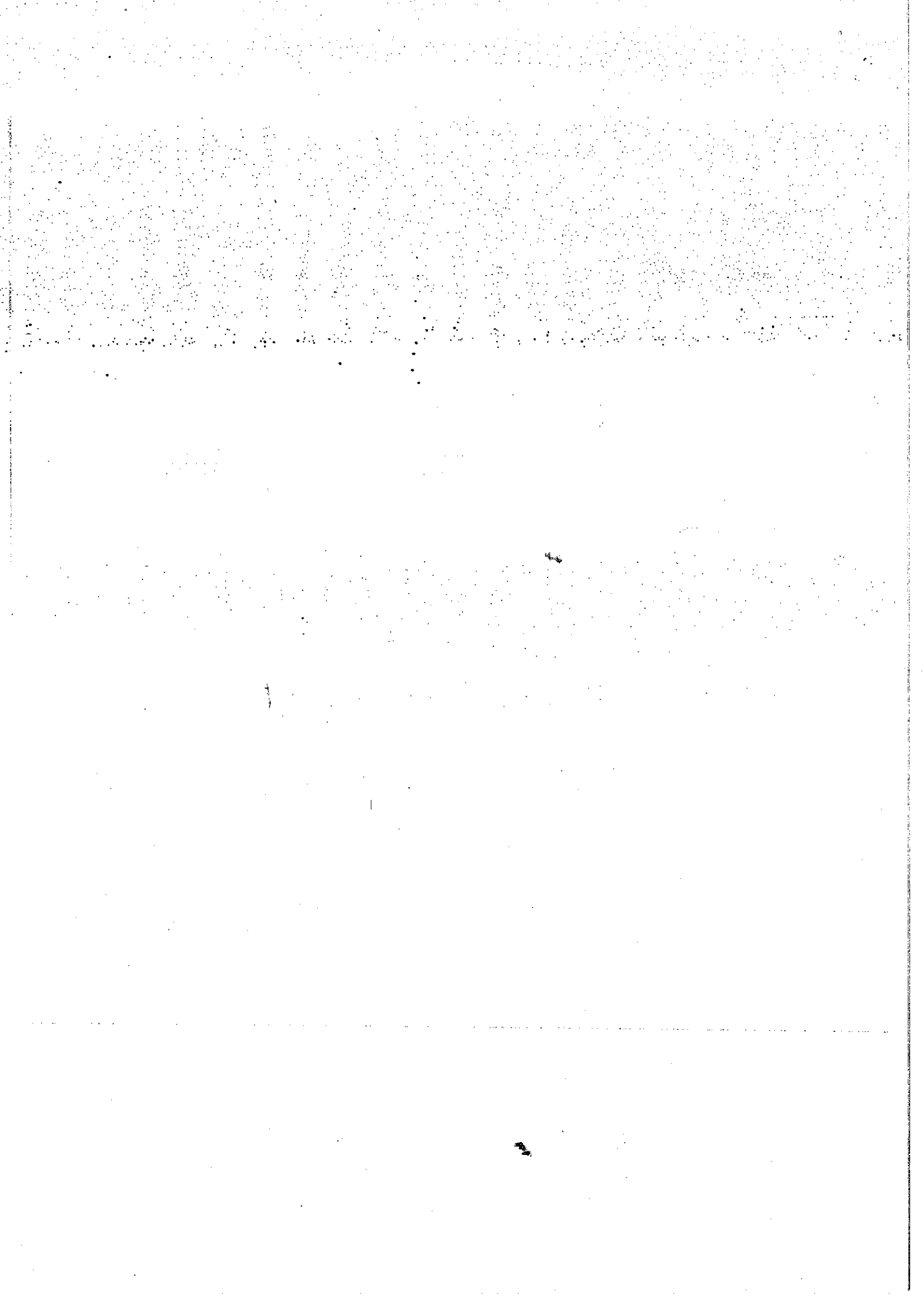
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	vi	Details of court cases/legal matters if any with respect to proposed matter (self certification)		
6	i	Location of the project showing general location, specific location, Project boundary, project site approved layout with coordinates from Regional Director (Environment).		
7		Site Analysis		
	i	Area of the project site (in Sq.m)		
	ii	Connectivity		
	iii	Land form, land use, Land ownership		
	iv	Existing land use pattern (agriculture, non-agriculture, forest, water bodies shortest distances from the periphery of the project to periphery of the forest, national park, wild life sanctuary, ecosensitive area, water bodies (distance from the HFL of the river). In case of notified industrial area, a copy of the Gazette notification should be given (details to be furnished by Regional Director (Env).		
	v	Photographs & Google images of the site indicating existing status & location of the site		
8		Any other information relevant to the proposal		
		Inspection report of Regional Director (Env)		
		Date of placing before DCZMC		
		Views of DCZMC along with copy of the proceedings duly signed by Regional Director (Env)		
		Recommendation of Regional Director (Env)		

Date:

Place:

Signature of Regional Director (Env)



ANNEXURE-3

Procedure for issue of provisional NOC/CRZ clearance for construction/re-construction/repair of dwelling units in CRZ-II & CRZ-III (200 to 500m) area as permissible in accordance with the provisions of CRZ Notification-2011.

- (1) The Regional Director (Env) shall receive the application for NOC/CRZ clearance in his office from the applicants and maintain a chronological record.
- (2) The Regional Director (Env) shall process the application within three working days and inform the applicant to obtain any shortfall document as per the checklist (Annexure-2). The Regional Director (Env) will assist the applicant in filling up the checklist, verify and attest the same and if the application is complete, the Regional Director (Env) should take up site inspection.
- (3) The Regional Director (Env) shall inspect the site in the presence of the applicant, obtain site photographs and prepare inspection report.
- (4) The Regional Director (Env) shall place the applications complete in all respects before the District Coastal Zone Management Committee (DCZMC) for deliberation and suitable recommendation in accordance with CRZ Notification-2011 at least once in a month.
- (5) The Regional Director (Env) shall issue provisional NOC/CRZ clearance to the applicant based on the recommendation of DCZMC. The Regional Director (Env) may issue an endorsement to the applicant in case of the proposals falling outside CRZ limits. In case of doubtful cases, the proposal may be placed before DCZMC for discussion and decision.
- (6) The Regional Director (Env) after issue of provisional NOC/ CRZ clearance shall bring all such proposals before KSCZMA for ratification along with attested checklist, copy of provisional NOC/CRZ clearance issued and application details.
- (7) The Regional Director (Env) shall maintain record of proposals ratified by KSCZMA.
- (8) This procedural guidance is issued with the approval of KSCZMA vide meeting dated 11.06.2014.

