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JNPA/PP&D/VADHVAN/MCZMA/2024/ 1396

Date 24/01/2024

Member Secretary,
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th Floor, New Administration Building,
Mantralay, Mumbai-400 032.

Subject: - In context of MCZMA 171st meeting and agenda no. 10 regarding Development of Greenfield Vadhvan Port and permission for CRZ clearance.

Ref.: - Your office email dated 10/01/2024 which enclosed objections to proposed Vadhvan Port.

Sir,

Explanation for queries raised by fishermen societies against the proposed Vadhvan Port in the 171st meeting of MCZMA held on 15th December 2023 is as follows: -

Sr. No.	Queries raised by various Fishermen Co-operative Societies and individuals	Reply by JNPA
1	We object to the fact that the Agenda for the meeting is uploaded merely two days before the meeting is scheduled to be held. Taking into account the large volume of documents required to be considered, this is a very short period of time to enable the relevant stakeholders to place their views before this authority.	The date of the meeting is fixed as per MCZMA schedule.
2	Notably, in the entire application for CRZ Clearance and the information provided by the project proponent, there is not a whisper of the fact that the area has been declared as an Ecologically Fragile Area. The Notification dated 20 th June 1991 declaring Dahanu to be an ecologically fragile area seeks to prohibit all operations and processes that could have a detrimental impact on the	The proposed greenfield Vadhvan Port CRZ demarcation as per CRZ Notification 2019 conducted through MOEF&CC approved technical agency Institute of Remote Sensing (IRS), Anna University, Chennai. The proposed Port and Rail and Road development is proposed in CRZ IB, CRZ III, CRZ IV and outside CRZ area as per CRZ notification 2019. Port has not planned any development works at CRZ 1A area of Port Limit.



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	environment within the ecologically sensitive Dahanu Taluka. The Notification has been issued with a view to protect the ecology and control pollution	The same is indicated in application to MCZMA also.
3	The project proponent has: - i.wrongly classified the CRZ areas and ii.failed to mention the fact that the area where the proposed port is to be set up has been declared as an Ecologically Fragile Area by the MoEF. As such, for submitting false information and for failing to disclose material information the application for CRZ Clearance ought to be rejected.	The proposed greenfield Vadhavan Port CRZ demarcation as per CRZ Notification 2019 conducted through MOEF&CC approved technical agency Institute of Remote Sensing (IRS), Anna University, Chennai. The proposed Port and Rail and Road development is proposed in CRZ IB, CRZ III, CRZ IV and outside CRZ area as per CRZ notification 2019. Port has not planned any development works at CRZ 1A area of Port Limit. The same is indicated in application to MCZMA also.
4	Admittedly, part of the port falls within the areas demarcated as CRZ-IA as per the approved CZMP. Clause 5.1.1 of the CRZ Notification, 2019 permits a very limited list of activities within CRZ-IA areas. This does not include the construction of a Port.	Port has not planned any development works at CRZ 1A area of Port Limit.
5	Apart from this there is another aspect to be considered - protected areas under the provisions of the Environment (Protection) Act, 1986 constitute CRZ-I A under the CRZ Notification, 2019 (Clause 2.1.1). Admittedly, apart from the 16,906 ha. being reclaimed from the sea, 571 ha. of land will be required for the project. As such, the entire stretch of land from the high-tide line up to 500 metres on the landward side will constitute CRZ-IA. Thus, even the land area would be covered by the prohibition set out under clause 5.1.1 set out above.	The proposed greenfield Vadhavan Port CRZ demarcation as per CRZ Notification 2019 conducted through MOEF&CC approved technical agency Institute of Remote Sensing (IRS), Anna University, Chennai. The proposed Port and Rail and Road development is proposed in CRZ IB, CRZ III, CRZ IV and outside CRZ area as per CRZ notification 2019. Port has not planned any development works at CRZ 1A area of Port Limit, same is submitted to MCZMA with application.
6	This Authority may note the fact that the Supreme Court in the matter of Bittu Sehgal v. Union of India [2001 (9) SCC 181] directed	The Dahanu Taluka Environment Protection Authority (DTEPA) has granted Permission for Proposed Development of Greenfield Vadhavan

97-

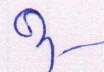
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	<p>the National Environmental Engineering Research Institute ('NEERI') to study the Regional Plan that had been prepared for Dahanu Taluka and determine whether it was in line with, inter alia, the CRZ Notification. NEERI Submitted a report dated 19th October 1996, noting, amongst other things, the following-</p> <p>"In view of the declaration of the Dahanu Taluka as an ecologically sensitive area, the stretch of land extending to 500 metres from High Tide Line (HTL) along the coast line of Dahanu comes under category I (CRZ-I), whereas the Regional Plan identifies many regions as CRZ-II and CRZ- III."</p>	<p>Port project vide its order dated 31/07/2023 after various hearing and site visit.</p>
7	<p>Further, several infirmities have been noted by us in the reports submitted by the JNPA in support of its application for CRZ Clearance. The Report prepared by CMFRI on impact of the project on coastal fisheries fails to note the fact that the area is an important fish breeding ground. Admittedly, no survey of the households for any of the fishing villages is available. The report prepared by NIO on marine biodiversity failed to document the presence of reef forming coral.</p>	<p>The studies conducted by CSIR-NIO and ICAR- CMFRI as per the Terms of Reference issued by Ministry of Environment Forest and Climate Change, reports submitted to concerned Grampanchayats and DTEPA.</p> <p>The copies of reports have already been provided to MCZMA and also available in link given below.</p>
8	<p>We call upon this authority to bear in mind that one of the central objectives of the CRZ Notification is to protect the livelihood of coastal communities and to promote the sustainable development of coastal communities. A project that will completely wipe out traditional fishing practices in this region, is not in tune with the objectives sought to be achieved by the notification.</p>	<p>The affected fishermen will be compensated as per the Maharashtra Government Fishermen Compensation Policy dated 09th March 2023.</p>
9	<p>As noted in the application, the massive scale of the project impacting 41 villages and will entail significant ecological damage. The</p>	<p>The studies conducted by ICAR-CMFRI as per the Terms of Reference issued by Ministry of Environment Forest and Climate Change and</p>

9

Sr. No.	Queries raised by various Fishermen Co-operative Societies and individuals	Reply by JNPA
	CMFRI Report notes the fact that 20,809 fisher folk residing in 5333 households across 16 villages will be impacted. The figure of 20,809 fisher folk is a gross underestimate of the actual number of people who will lose their livelihood. This is because those involved in the ancillary industries viz. Preparation of nets, preparation of ice, "khalasi" workers on the boats, transportation of ice and fish, retail and wholesale sale of fish, drying of fish, production of by-products etc. have been totally ignored. When all these are considered, the figure of 20,809 is likely to increase 20 to 50 times.	necessary report submitted to concerned Grampanchayats and DTEPA. The copies of reports have already been provided to MCZMA and also available in link given below.
10	It appears that JNPA has enclosed several reports to its application for CRZ Clearance which, as far as we are aware, have not been placed before the Expert Appraisal Committee of the MoEF which is considering the application made by JNPA for environmental clearance. It is therefore clear that the project proponent in not conducting itself in a transparent manner.	As compliance to ToR issued by MOEF&CC MCZMA Recommendation, Minutes of Meetings Public Hearing of Palghar and Daman, Final EIA report and requisite study report will be submitted to EAC, MOEF&CC for obtaining Environmental and CRZ Clearance.
11	We request to reject the application for CRZ Clearance made by JNPA for setting up a greenfield port at Vadhavan, Dahanu Taluka.	MCZMA has followed the prescribed norms and rules for processing of JNPA's application and further recommendation.
12	We request that a personal hearing may be granted to us, as stakeholders in the matter, before any final decision is taken on the application made by JNPA for CRZ Clearance.	MCZMA has followed the prescribed norms and rules CRZ Clearance.

Please note that English and Marathi versions of EIA report and various scientific study reports /documents shared to Director Environment submitted to MCZMA on 16th Dec. 2023 and Secretary Environment GoM on 12th Jan 2024.

The executive summaries in English and Marathi as per the MoEF&CC, public hearing procedure have been kept in the designated locations and also submitted the other technical reports in both languages as a gesture on insistence of Hon'ble Chief Minister of Maharashtra meeting dated 5th Dec. 2023 for better understanding.

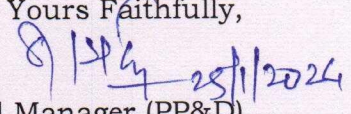


The following links are given below. English EIA Document Link-
https://drive.google.com/drive/folders/liUP0ptXduXAmJrQTIE_xSgGCAeTgeg7G?usp=sharing
Marathi EIA Document Link-
https://drive.google.com/drive/folders/11_oOawtlbj7mqNV07-4TQZtPRrwWq6O7?usp=sharing

Hence, this being project of national importance and monitored at the level of PMO office, you are requested to recommend project to MoEF&CC for further approval at the earliest.

This is issued with the approval of the Chairman Incharge.

Yours Faithfully,


Chief General Manager (PP&D)