



PROPOSED COASTAL REGULATION ZONE (CRZ) AMENDMENTS, 2010

PREAMBLE

THE MINISTRY OF ENVIRONMENT AND FORESTS PROPOSES TO ISSUE THE COASTAL REGULATION ZONE NOTIFICATION 2010. THE FOLLOWING SHALL BE THE PROCEDURE AND TIME LINES THAT WILL BE FOLLOWED.

- ❖ A discussion paper titled “Coastal Regulation Zone (CRZ), 2010” is placed on the MoEF’s website which outlines the proposal and brings out the salient features including the new provisions that are proposed to be incorporated in the existing Coastal Regulation Zone notification 2010.
- ❖ The above discussion paper is linked to the proposed **pre-draft Coastal Regulation Zone (CRZ) 2010**.
- ❖ This discussion paper and the proposed pre-draft CRZ 2010 is available in the Ministry’s website (www.envfor.nic.in).
- ❖ Comments on the above discussion paper and the pre-draft CRZ 2010 are invited by **30th May, 2010**.
- ❖ Hindi version of the above discussion paper and the pre draft CRZ 2010 and in other local languages namely, Gujarati, Marathi, Kannada, Malayalam, Telugu, Tamil, Oriya and Bengali will also be put on the Ministry’s website.
- ❖ After the receipt of the comments on the above discussion paper and the pre draft CRZ 2010 , the Ministry will finalize the draft CRZ Notification, 2010 and obtain legal vetting from Ministry of Law.
- ❖ Thereafter the draft CRZ Notification, 2010 shall be issued under Environment (Protection) Act, 1986 inviting suggestions and objections from the people within sixty days from the date of issue of the draft notification.
- ❖ The draft CRZ Notification, 2010 shall be finalized taking into consideration the suggestions and objections received from the people.



DISCUSSION PAPER ON COASTAL REGULATION ZONE 2010

India's coastline, which runs for 7,500kms, is inhabited by approximately 25% of our population. Almost all of these individuals live within 50kms of the shoreline. This includes 10 million fisherfolk who depend directly on the sea for their livelihood.

Keeping in view the importance of the coastal environment and the need to protect the coastal ecosystems from the pressures of developmental activities, the Ministry had issued the *Coastal Regulation Zone (CRZ) Notification, 1991* under the Environment (Protection) Act, 1986.

This notification, which is still in force, seeks to protect and regulate the use of the land within 500mts of the coast and 100mts along the tidal influenced water bodies. All developmental activities proposed to be located in this zone are regulated under the Notification. It classifies the coastal stretch of the country into CRZ-I (ecologically sensitive areas), CRZ-II (built up municipal areas), CRZ-III (rural areas) and CRZ-IV (Islands of Lakshadweep and Andaman & Nicobar).

The Coastal Regulation Zone Notification, 1991 has been amended almost 25 times since its promulgation. Further, several State Governments and other stakeholders have expressed difficulties in implementing the provisions of the CRZ Notification, 1991.

In order to examine the issues of implementation of the 1991 Notification the Ministry constituted an Expert Committee under the Chairmanship of Prof. M. S. Swaminathan in 2004. The Committee submitted its Report in February, 2005. The main recommendation of this Committee was to issue the draft *Coastal Management Zone (CMZ) Notification, 2008* to replace the 1991 Notification.

However the draft CMZ Notification, 2008 attracted a large number of representations especially from the fisherfolk and the local communities. In order to examine the issues raised in these representations, the Ministry constituted another four-member Committee under the Chairmanship of Prof. MS Swaminathan in June of 2009. The Report of the Committee titled "Final Frontier" [and available on the website www.moef.nic.in] was received in the Ministry on 16th July, 2009 and was accepted by the Government. The major



recommendation of the Report was to let the draft CMZ Notification of 2008 lapse and instead strengthen the CRZ Notification of 1991.

In keeping with the above, the MoEF has proposed to take steps for strengthening the CRZ Notification, 1991 in light of the recommendations of the Swaminathan Committee report and the outcome of the consultation process carried out by CEE which includes amending/deleting/inserting certain provisions in the existing notification.

SUMMARY OF PROPOSED AMENDMENTS TO THE CRZ NOTIFICATION 1991

The following are proposed in the draft CRZ Amendment Notification of 2010.

- I. **Inclusion of Aquatic Part:** The 1991 Notification does not include the aquatic part in its jurisdiction. Recognizing the importance of the aquatic area in maintaining the functional integrity including the biodiversity in the coastal areas and waters, the aquatic part i.e., sea area upto 12 nautical miles and the water area of 'tidal influenced water bodies' shall be included.
- II. **Hazard Mapping Mechanism to be revised:** The 1991 Notification does not take into account the coastal hazards including impacts of sea level rise. The hazard mapping based on tides, waves, sea level rise and shoreline change shall be included and provisions to provide adequate safeguards to infrastructures and habitations of local communities incorporated.
- III. **Preparation of Action Plans:** The 1991 Notification does not lay down adequate measures for the control of pollution. The State and UT Governments shall be directed to prepare an Action Plan to mitigate discharge of untreated waste, effluents, sewage including solid waste in a time bound manner. Necessary budget to deal with pollution related activities shall be provided by the State/UT Government. The Action Plan shall be prepared within six months and submitted to Ministry and after obtaining approval from MoEF, it shall be implemented. CPCB shall monitor the implementation.
- IV. **Classification of Erosion-Prone Areas:** The 1991 Notification does not provide for restrictions on port development and other foreshore developmental activities along the coasts which are erosion prone. Majority of the erosion being caused is due to anthropogenic activities. Keeping in view this irreversible damage to the coast, a provision shall be incorporated in the Notification which will provide for classifying the coastal stretches into "high erosion areas", "medium erosion area" and "low or stable coast". No projects would be permitted in the high erosion prone areas, while, in the medium erosion prone areas comprehensive EIA shall be stipulated.



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- V. **New Classification Scheme:** The CRZ Notification has four classifications [CRZ-I (ecologically sensitive areas), CRZ-II (built up municipal areas) CRZ-III (rural areas) and CRZ-IV (Islands of Lakshadweep and Andaman & Nicobar)]. The amendments will re-classify the same as CRZ-I (ecologically sensitive areas), CRZ -II (built up municipal areas), CRZ-III (rural areas), CRZ-IV (aquatic area) and CRZ-V (areas requiring special consideration). For the islands of Lakshadweep and Andaman & Nicobar a special dispensation has been provided in a draft 'Island Protection Zone Notification (March) 2010' (currently inviting suggestions and objections).
- VI. **Special Cases:** The CRZ notification provides for the uniform regulation of the entire country irrespective of the diversity, socio economic conditions, developmental pressures etc. However, it is proposed, in light of xertain special circumstances, to provide special consideration for the following-
- i. **Greater Mumbai and Navi Mumbai** – Mumbai and Navi Mumbai are one of the most thickly populated coastal areas. The coastal stretch is under tremendous pressure due to various developmental activities. A sizable population of Mumbai and Navi Mumbai live in slums abutting the coastal stretches. These slums are not only polluting the environment but are also at great risk from being so close to the shoreline. About 136 slums areas exist within 500 mts from the coast. Mumbai and Navi Mumbai also have good mangrove areas along the coastal stretches which act as a green buffer. Further, almost the entire city sewage including effluents from industrial units are let out into the creeks and the sea. In view of the above issues, Mumbai and Navi Mumbai require a special dispensation. As recommended in the Swaminathan Committee Report, the new CRZ shall provide for redevelopment of specified buildings in some specified areas. The Private-developer based building projects in CRZ areas shall be considered subject to providing public finance for housing.
 - ii. **Kerala** – Kerala has one of the most unique coastal environments wherein more than 300 islands are located within its backwaters. Most of these islands/narrow land strips such as Maruvkad, Challakadavu, Kandakadavu, Puthanthode, Kannamaly, Cheriya kadavu and Kattiparambil are thickly populated. The population density along the coastal areas is around 2,150 persons per sq kms. These islands have been classified as CRZ-I or CRZ-III as per which no development can be taken up in case of CRZ-I and in case of CRZ-III between 0-200mts, it is a 'No Development Zone'. The entire local communities living in such areas have been requesting the State and the MoEF to provide relaxation to take up construction of dwelling units. There are several court cases pending in



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this regard. In view of the above difficulties and keeping in view the unique geographical area of Kerala a special dispensation for coastal stretches of Kerala is proposed to be provided which will include a 50m 'No Development Zone' along all backwater islands.

- iii. ***Sunderbans and other ecologically important areas*** – Sunderbans is one of the largest mangrove areas in the country with an approximate population of 5 lakhs living within the biosphere. Sunderbans is being affected by the sea level rise. Further, the local communities face hardship due to lack of infrastructure facilities. An integrated management plan is proposed to be drawn up for Sunderbans and such ecologically important areas such as Gulf of Khambat and Gulf of Kutch in Gujarat, Malvan, Vasasi- Manori in Maharashtra, Achra-Ratnagiri, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Bhitarkanika in Orissa, Coringam, East Godavari and Krishna in Andhra Pradesh . These areas would be declared as Critical Vulnerable Coastal Areas (CVCA) for which an integrated management plan prepared with the consultation of local communities
 - iv. ***Goa*** –The state of Goa is divided into three divisions, the coastal plain, mid upland region and Western Ghats. The upland region close to the Western Ghats are currently occupied by the mining activities, whereas the entire Western Ghats region is identified as one of the Biodiversity hotspot areas and protected under the Wildlife Protection Act 1972. Therefore, separate Goa state specific provisions with stringent regulatory mechanism for sustainable development and ecological protection of coastal areas are to be formulated. The traditional occupation of the population living along the coast is mainly the fishing and allied activities. These fishing communities require basic infrastructure facilities for their livelihood.
- VII. **Special Dispensation to certain Biosphere Reserves:** The biosphere reserves such as Sunderbans, Chilka, Gulf of Mannar, Peechavaram, Bhitarkanika etc., have sizable local population living within such biospheres. The 1991 Notification restricted all developments in such areas as these biospheres are classified as CRZ-I(i). Special dispensation has been given to Sunderbans alone for certain basic infrastructure facilities. This dispensation would now be provided to other biosphere reserves also.
- VIII. **Construction of stilt roads to protect Mangroves in Mumbai:** In some of the urban areas classified as CRZ-II, there is large mangrove growth especially in Mumbai, Navi Mumbai, Goa etc. Due to expansion of the urban infrastructure these mangroves are systematically being destroyed especially for laying of peripheral



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roads or missing links. The amendments will provide for construction of roads on stilts over the mangroves that would not affect the growth of the mangroves and the tidal flow as well. However, no benefit of CRZ-II shall accrue on the landward side of such roads.

- IX. **Deadlines for Grant of Clearance:** The CRZ Notification does not lay down procedures for clearance of permissible activities. This is causing hardship to the people/project authorities. Further, no time period is stipulated for clearance. To address this issue, procedures have been drawn up and list of documents, studies/report, maps and the forms that need to be filled for obtaining clearance shall be indicated. A fixed time lines shall be provided for considering the project by the State Coastal Zone Management Authority which is forty five days after receipt of all the information and thereafter, sixty days for MoEF/State Government to accord clearance.
- X. **Clearance process to be harmonised with EIA 2006 standards:** Under the 1991 Notification housing projects less than Rs.5 crores are accorded clearance at the State level and more than Rs.5 crores from MoEF. This has no scientific basis. The new regulation will follow the same procedure as followed under the EIA 2006 i.e., housing projects of more than 20,000 sq mts would be considered under EIA Notification, 2006 (by State Environment Impact Assessment Committee) after being recommended by the concerned CZMA, while for projects less than 20,000 sq mts, would be considered by the concerned State Coastal Zone Management Authority and clearance accorded by the State Government agencies such as Urban Department or Panchayat.
- XI. **Post Clearance Monitoring:** Adequate emphasis is not give for post clearance monitoring of project. Monitoring procedures and transparency of the compliance to the conditions shall be clearly laid down.
- XII. **New Provisions for Enforcement:** The 1991 notification does not provide adequate emphasis for enforcement. Necessary provision shall be included in the proposed amendments to identify all the violations in a time bound manner and action initiated by the CZMAs. Powers delegated under Environment (Protection) Act, 1986, to the Authorities especially the State Coastal Zone Management Authority and National Coastal Zone Management Authority shall be indicated in the amendment.
- XIII. **Preparation of Coastal Zone Management Plans:** There are no guidelines, mapping procedure, scale of maps, methodology, review procedures, ground truthing etc., indicated in the 1991 notification for preparation of these plans. This has led to



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problem especially for local communities. Hence, guidelines indicating the procedure for preparing the Coastal Zone Management Plans by the States shall be incorporated in the Notification (in compliance to the Supreme Court's Order on 27.9.1996). For States which have not yet prepared the CZMP plans or are ill equipped to prepare the same, the MoEF with the assistance of reputed scientific agencies including the National Centre for Sustainable Coastal Zone Management shall get the Plans prepared by providing technical and financial assistance.

- XIV. **Removal of Duplication:** There is duplication of clearance procedures for the projects that attract both Coastal Regulation Zone Notification, 1991 and Environment Impact Assessment Notification, 2006, such as ports, harbours, housing projects etc. In order to rationalize the procedure those projects requiring EIA Notification will be accorded clearance under the EIA Notification only after obtaining recommendations from the concerned State Coastal Zone Management Authority. The other projects which do not attract EIA Notification but requires CRZ clearance, such projects would be considered only under CRZ.
- XV. **Facilities for Fisherfolk:** Keeping in view the difficulties faced by fishing communities, basic facilities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice crushing units, fish curing facilities etc., shall be provided in the No-Development Zone of CRZ-III areas.
- XVI. **Creation and Maintenance of Website:** To maintain transparency in the working of the CZMAs it will be the responsibility of the CZMA to create a dedicated website and post the agendas, minutes, decisions taken, clearance letters, violations, action taken, court cases etc.
- XVII. **Improved Language:** Efforts have been made to make the 1991 Notification more reader friendly and which can be understood by common people.