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MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

(Department of Environment, Forest and Wildlife)

DRAFT MARINE AND COASTAL REGULATION ZONE (MCRZ) NOTIFICATION

New Delhi, the March, 2017

S.O....(E).- WHEREAS the Central Government vide its notification number S.O.114(E), dated the 19th February 1991 issued the Coastal Regulation Zone Notification that was superseded by the CRZ Notification dated 6th January 2011 and Island Protection Zone Notification dated 6th January 2011 under Environment (Protection) Act, 1986;

AND WHEREAS, the Central Government has examined the representations which relate to conflict of the provisions under Coastal Regulation Zone 2011 with that of State legislations, difficulties in implementation and hardship to general public etc.;

AND WHEREAS, the Central Government taking into account the above, proposes to make the following proposal under sub-section (1) and clause (v) of sub section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification of the Government of India in the Ministry of Environment, Forest and Climate Change (hereinafter referred to as the MoEF&CC), number S.O.19(E) and S.O.20(E), dated the 6th January, 2011, in so far as it relate to the conservation and protection of the coastal stretches and offshore islands of the country.;

AND WHEREAS, the same is published for the information of the public likely to be affected thereby; and notice is hereby given that the said draft proposal shall be taken into consideration by the Central Government on and after the expiry of a period of sixty days from the date of publication of

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this notification in the Official Gazette in accordance with the provisions of Environment (Protection) Act, 1986 (29 of 1986) and Environment (Protection) Rules, 1986.;

AND WHEREAS, any person interested in making any objections or suggestions on the draft proposal may forward the same in writing within the period so specified to the Secretary, MoEF&CC, Indira Paryavaran Bhawan, JorBagh Road, Aliganj, New Delhi-110003, or at e-mail address: -

PROPOSAL:

In exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local communities living in the coastal areas, for conservation and protection of coastal stretches, the offshore islands, its unique environment and its marine area, and to promote development through sustainable manner, based on scientific principles hereby, declare the coastal stretches of the country and the water area upto its territorial water limit, including the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands upto its territorial limits or international maritime boundary as Marine and Coastal Regulation Zone(MCRZ).

Now, therefore in exercise of powers conferred by clause (d) of sub rule (3) of rule 5 of Environment (Protection) Rules, 1986 and all powers vesting in its behalf, the Central Government hereby declares the following areas as MCRZ and regulates activities in the said MCRZ areas:-

2. Definitions -

- (i) 'High Tide Line (hereinafter referred to as the HTL)' means the High Tide Line as demarcated by Government of India in MOEF&CC as per the methodology at **Annexure-I**. The HTL demarcated would be the final HTL for all purposes under this draft notification.
- (ii) 'Low Tide Line (hereinafter referred to as the LTL)' means the Low Tide Line as demarcated by Government of India in MOEF&CC as per the methodology at **Annexure-I**. The LTL demarcated would be the final LTL for all purposes under this draft notification.
- (iii) 'Marine Coastal Zone Management Plan (hereinafter referred to as the MCZMP)' means the plans mandated under the MCRZ Notification to be prepared by the concerned State/UT Governments based on the criteria/guidelines laid down in this Notification at **Annexure-II**. The CZMP prepared by the coastal State/UT Governments after holding public hearing in accordance with environment (Protection) Act 1986 and recommended to National Marine Coastal Zone Management Authority (herein referred as NMCZMA).

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The NMCZMA shall consider the MCZMPs and make recommendations to MoEF&CC.
The MoEF&CC shall approve the MCZMPs.

- (iv) 'Tourism Zones' means those coastal areas as listed in **Annexure-III** by the State/UT Tourism Departments and recommended by Ministry of Tourism to MoEF&CC.
- (v) "Tidally influenced water bodies' are those water bodies which are influenced by tidal action on landward side. In case of those tidally influenced water bodies the MCRZ shall be 100mts from HTL or width of the water body, whichever is less upto the extent of tidal influence which is measured by 5 parts per thousand (PPT) during driest part of the year. The State/UT Governments shall prepare MCZMPs for this areas along tidal influenced water body based on land use plan / regional plan/ town plan or area development plan incorporating adequate environmental safe guard and disaster management (as listed in **Annexure -II**) measures and seek prior approval of MoEF&CC.

3. MCRZ –

- (i) The land area between HTL and LTL that shall be indicated as inter tidal zone
- (ii) The land area from HTL to 500 mts on the landward side along the seafront as demarcated by MoEF&CC
- (iii) Water area from LTL to 12 nautical miles or international maritime boundary.
- (iv) Water area (HTL to HTL) of tidally influenced bodies on either side of the banks
- (v) 100 mts from HTL on both the sides along the tidal influenced water bodies or the width of such water body whichever is less.
- (vi) 20 mts landward from HTL in case of islands along the mainland.
- (vii) The entire geographical area of islands of Andaman & Nicobar and Lakshadweep Islands alongwith the water area upto territorial limits or international maritime boundary. For such islands, 20mts No Development Zone (NDZ) shall be maintained from the HTL on the landward side. Activities those are permissible in the NDZ and the criteria for preparation of Integrated Island Management Plan is at **Annexure XIII**.

4. MCRZ categories

A. MCRZ -I

- (i) The eleven categories of Ecologically Sensitive Areas, including geomorphological features and archaeological/ important heritage sites/structures (given in **Annexure-IV**) and the list of these eleven categories in each of the Coastal States and UTs listed in this notification at given in **Annexure-V**.
- (a) **Norms for regulations of activities permissible in MCRZ-I**
- (ii) Developmental activities including construction of STPs, link roads etc., may be undertaken in the larger public interest and with recommendations of State/UT

Government & NMCZMA with the prior approval of MoEF&CC only if no alternative sites are available as certified by the State /UT Government subject to Guidelines as per **Annexure-VI**.

- (iii) The development of national interest project/infrastructure relating to strategic importance in such areas shall be as per the MCZMPs and guidelines as in **Annexure-VI** with prior approval of MoEF&CC.
- (iv) Basic infrastructure facilities for local inhabitants, may be permitted by the concerned State/UT MCZMA subject to safeguard as listed in **Annexure-VI** with the prior approval of MoEF&CC.
- (v) Temporary tourism related facilities such as walkways on stilts, rain shelters, public toilets, drinking water facilities, sitting/resting places and the like as a part of eco-tourism plan without disturbing the habitat/features shall be recommended by the MCZMA / State/UT Environment Department and approved by MoEF&CC.
- (vi) MoEF&CC in coordination with State/UT Governments shall undertake shoreline protection of the land that has been identified and listed in **Annexure-VII**.

B. MCRZ-II

- (i) The geographical limits of all municipal towns, any other town notified under statutes (the list of such towns given in **Annexure-VIII**

(a) Norms for regulations of activities permissible in MCRZ-II

- (i) The development shall be regulated by the local planning authorities as per prevailing local laws, the State/UT Governments shall prepare MCZMPs for these areas based on land use plan / regional plan/ town plan or area development plan incorporating adequate environmental safeguard and disaster management as listed in **Annexure -II** and seek prior approval of MoEF&CC.
- (ii) The populated areas that are in MCRZ-III areas can be declared as MCRZ -II if the concerned State/UT Governments prepare the MCZMPs of the said area incorporating all requisite environmental safeguards, disaster management facilities and carries out Environmental and Social Impact Assessments through reputed National agencies. Such MCZMPs shall be submitted to MoEF&CC after public hearing for the purpose of declaring such areas as MCRZ-II
- (iii) The State /UT Governments shall be responsible for implementing the approved MCZMPs after obtaining recommendations from the concerned MCZMAs and approval from MoEF&CC. All activities in the approved MCZMP shall be implemented by the concerned agencies following environmental safeguards as detailed out in **Annexure-IX**.

C. MCRZ-III

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- (i) Those stretches which do not fall in MCRZ-I, II and IV.
 - (ii) Dwelling units for local inhabitants including fishermen, basic infrastructure, post-harvest and marketing facilities shall be provided with 50 mts buffer from HTL and regulated by local authority in accordance with the approved MCZMP as per **Annexure-VII**.
 - (iii) Development of Temporary and permanent tourism infrastructure between 0-200 and 200-500mt respectively in MCRZ-III areas shall be as per the guidelines at **Annexure-IX**.

D. MCRZ-IV – Water area

- (iv) Water and the bed of the tidally influenced water body and 12 nautical miles from LTL of the sea.
- (v) Control of pollution, solid waste management, development in the water area and the like shall be undertaken as per **Annexure-II**.
- (vi) MoEF&CC alongwith Ministry of Earth Sciences and other reputed scientific bodies shall undertake research in the marine areas to identify the natural resources such as minerals, materials of medicinal value and promotion of saline area agriculture, aquaculture, fisheries, etc., to provide livelihood to local communities.

E. Islands

- (i) Mainland offshore islands, islands of Andaman & Nicobar and Lakshadweep including the water area upto 12 nautical miles from LTL of the islands or the international maritime boundary.
- (ii) Developments in the island shall be undertaken in accordance with the approved Integrated Island Management Plan (IIMP) as per **Annexure-XIV** and regulated by local planning authorities / Islands Marine and Coastal Zone Management Authority in accordance with prevailing laws. Developmental activities in the area of Tourism, fisheries, agriculture, including facilities for security shall be promoted in these islands. The IIMPs that have been approved for Lakshadweep Islands under the IPZ Notification 2011 shall be followed.

5. Tourism

- (i) In view of the tremendous potential for beach and island tourism the coastal states and UTs shall prepare a tourism development plan in accordance with the guidelines at **Annexure-X** and seek prior approval of MoEF&CC.
- (ii) MoEF&CC has identified certain beaches which have potential for tourism that are given in the tentative list at **Annexure-III**
- (iii) While promoting tourism, it shall be ensured that the beaches are maintained clean, there shall be no disposal of waste or effluent in an around the beaches including in

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the coastal waters. The tourism development plan shall be examined by the concerned state /UT Governments and approved by MoEF&CC. Stringent enforcement of provisions of the said notifications and monitoring shall be carried out by District Marine and Coastal Zone Management Authorities (DMCZMA) as per the format followed under the Water (Prevention & Control of Pollution) Act, 1974. The monthly report of the DMCZMA shall be uploaded in the dedicated websites of the tourist operators.

6. List of prohibited activities except those listed in this notification are:-

- (i) Industrial activities or expansion of existing industries except for those activities / projects relating to fishing.
- (ii) Discharge of untreated effluents or sewage
- (iii) Disposal of solid waste
- (iv) Reclamation except for activities indicated in the approved CZMPs that require for foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, coastal road, road on stilts, defence and security related facilities, erosion control measures, maintenance of waterways, channels and ports, prevention of sand bars, installation of tidal regulators, laying of storm water drains, structures required for prevention of salinity ingress and freshwater recharge.
- (v) Mining of sand and rocks except extraction of rare minerals, hydrocarbons and other minerals found in coastal areas. However' in case of other minerals the extraction shall be permitted only beyond 100 mtr from the HTL on the landward side or below LTL. The list of minerals and hydrocarbons identified in State/UT wise at **Annexure- XI**. Extraction of these minerals shall be permitted only with stringent environmental safeguard as per EIA Notification 2006 ensuring no disturbance / destructions of coastal habitats or integrity of coastal environment.

7. Clearance procedures for projects

- a. All projects attracting both EIA Notification, 2006 and this Notification shall be considered for approval as per the procedures laid down under the EIA Notification, 2006 based on the recommendations of SMCZMA. However, the following activities will require clearance under this Notification from MoEF&CC:

- (i) Construction activities relating to Defence, DRDO, ISRO, Nuclear Corporation of India
- (ii) Exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
- (iii) Extraction of minerals.
- (iv) Development in MCRZ-I areas

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- b. Those projects, which do not attract EIA Notification, shall be accorded clearance by the respective authorities/agencies/local authorities of the State/UT Governments including MoEF&CC as indicated in this Notification.
 - c. The appraisal and approval process of the projects requiring approval under this Notification shall be the same as laid down in EIA Notification, 2006.
 - d. All projects attracting this Notification shall require public hearing while seeking clearance from the concerned authorities until unless it is specified in the MCZMPs/Tourism Developmental Plan that have been approved by MoEF&CC.

8. Planning, Monitoring and enforcement mechanism

The composition, tenure and mandate of NMCZMA and State or UT MCZMAs including DCZMA is at **Annexure- XII**.

- (i) The monitoring of the implementation of the provisions of this draft notification shall be based on satellite data generated from time to time along with field verification to be carried out by MCZMAs.
- (ii) The approved MCZMPs along with any other notified areas under this notification and decisions taken by various authorities and agencies mandated to enforce this notification shall be hosted on the dedicated website of the States/UTs coastal Zone Management Authority;
- (iii) State Pollution Control Board and Union Territory Pollution Control Board Committees shall take stringent action against violations in respect of disposal of solid waste, discharge of untreated liquid water in MCRZ area.

9. MCRZ Fund

- a. For propose of maintaining the beaches, coastal waters conservation of coastal ecosystems, prevention of soil erosion, salinisation of land including to take mitigative steps against impacts of climate change including upliftment of livelihood of the coastal communities, fund shall be raised through increase in water cess fee under the Water (Prevention and Control of Pollution)Cess (amendment) Act, 2003. The guidelines for collection of fees and usage are at **Annexure-XIII**.
- b. A provision for collection of MCRZ fund shall be incorporated by MoEF&CC while approving the MCZMPs / Tourism Developmental Plan and other area developmental plans indicated in this Notification
