

DRAFT

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the November, 2015

Draft Integrated Marine and Coastal Conservation (IMCC) Notification

WHEREAS the Central Government vide its notification number S.O.19(E), dated the 6th January, 2011, (hereinafter referred to as the said notification), declared Coastal Regulation Zone and imposed certain restrictions on the setting up and expansion of industries, operations and processes in the said Zones for its protection;

AND WHEREAS, several representations have been received from Central Ministries, State Governments, general public regarding the said notification;

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), dated the 6th January, 2011, in so far as it relate to the conservation and protection of the coastal stretches of the country, and 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 this notification in the Official Gazette;

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, Jor Bagh Road, Aliganj, New Delhi-110003, or at e-mail address: _____

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, to conservation and protection of coastal stretches, 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, excluding the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands upto its territorial limit, as Integrated Marine and Coastal Conservation (IMCC) and restricts the setting up and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances as specified in the Hazardous Substances (Handling, Management and Transboundary Movement) Rules, 2009 in the aforesaid IMCC.

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 IMCC and impose with effect from the date of this notification the following restrictions on the setting up and expansion of industries, operations or processes etc., in the IMCC:-

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 through the National Centre for Sustainable Coastal Management (hereinafter referred to as NCSCM). 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 through the National Centre for Sustainable Coastal Management (hereinafter referred to as NCSCM). The LTL demarcated would be the final LTL for all purposes under this draft notification.
- (iii) 'Coastal Zone Management Plan (hereinafter referred to as the CZMP)' means the plans mandated under the IMCC Notification to be prepared by the concerned State/UT Governments based on the criteria/guidelines laid down in this draft notification at **Annexure-I**. The CZMP prepared by the State/UT Governments and recommended by NCZMA will be issued after holding public hearing as provided for in the Environment (Protection) Act, 1986.
- (iv) 'Tourism zones' means those coastal areas identified by the State Tourism Department and recommended by Ministry of Tourism.

- 3
- (v) 'Economically Important Zones (hereinafter referred to as EIZ)' means those areas identified as economically important areas by the State Governments and recommended by the concerned Ministry in GoI.
- (vi) "Tidally influenced water bodies' means are those water bodies which are influenced by tidal action. In case of those tidally influenced water bodies falling within Coastal Conservation and Management-II shall have the jurisdiction upto 1 km (linear distance) from mouth of such water body to the sea. The IMCC distance along such water body in IMCC-II areas shall be 25 mts or width of the water body whichever is less. In case of those tidally influenced water bodies falling in IMCC-III areas shall have the jurisdiction upto the extent of salinity level 5 parts per thousand measured during the driest part of the year. Along such water bodies the IMCC distance on either side of the banks of the water body shall be 100 mts or width of the water body whichever is less.

3. Jurisdiction –

- (i) The land area between HTL and LTL which will be termed as intertidal zone
- (ii) The land area from HTL to 500 mts on the landward side along the seafront
- (iii) Water area from LTL to 12 nautical miles or international boundary for sea
- (iv) Water area (LTL to LTL) of tidally influenced body
- (v) 25mts from HTL on both the sides along the tidal influenced water bodies or the width of such water body whichever is less. The IMCC area in such tidal influenced water bodies shall extend up to 1km (linear distance) from the mouth of such water body at the sea to the landward side.
- (vi) 10 mts from HTL in case of islands falling in IMCC II
- (vii) 20 mts from HTL in case the islands falling in IMCC- III.
- (viii) The entire geographical area of islands of Andaman & Nicobar Islands alongwith the water area upto territorial limits.
- (ix) The entire geographical area of islands of Lakshadweep alongwith the water area upto territorial limits.

4. IMCC categories & Norms for regulations of activities permissible under this Notification

A. IMCC –I

- (i) The thirteen categories of Ecologically Sensitive Areas, geomorphological features and archaeological/heritage important areas/structures as specified in this Notification (**given in Annexure-II**).

(ii) Developmental activities in IMCC-I shall be undertaken only if required in the national interest, recommended by State Government and NCZMA and approved by MoEF&CC. The development of national interest project in such areas shall be as per the CZMPs.

(iii) Basic infrastructure facilities for local inhabitants shall be permitted by the concerned CZMA.

(iv) Temporary tourism facilities shall be recommended by the CZMA and approved by the State Environment Department.

B. IMCC-II

(i) The geographical limits of all municipal towns, any other town notified under statutes, and census towns as per 2011 census having a population density more than 2161 persons per sq. km. (The list of such census towns given in **Annexure-III**)

(ii) The development shall be regulated by the local planning authorities as per prevailing local laws with environmental safeguards as detailed out in **Annexure-IV**.

(iii) Development of the housing and other infrastructure in the villages/goathans, fishing villages located within IMCC-II areas shall be regulated by local planning authorities in accordance with prevailing local laws with environmental safeguards as detailed out in **Annexure-IV**.

C. IMCC-III

(i) Those stretches which do not fall in IMCC-I, II and IV.

(ii) Dwelling units for local inhabitants including fishermen, basic infrastructure shall be regulated by local authority. In case of buildings, the height shall be 9 mtrs.

(iii) Development of tourism between 200-500mts in IMCC-III areas shall be as per the guidelines at **Annexure-V**.

D. IMCC-IV – Water area

(i) Water and the bed of the tidally influenced water body and 12 nautical miles from LTL of the sea.

(ii) MoEF&CC alongwith Central Pollution Control Board and NCSCM shall identify highly polluted coastal and marine stretches and declare them as critically polluted areas. An action plan shall be put in place within one year to address the pollution problem in these stretches and take remedial measures in coordination with the concerned State Pollution Control Board or Pollution Control Committee in the UT.

- (iii) MoEF&CC with the concerned National and International Research institutes shall identify all the coastal areas and islands which are vulnerable to the impacts of climate change and sea level rise. An action plan to address the impacts of climate change and sea level rise on the local communities shall be formulated within one year.
- (iv) MoEF&CC alongwith NCSCM shall identify the estuarine and other tidal water bodies which have been affected by developmental activities including pollution, dredging, habitat destruction etc., and formulate an Integrated Plan for conservation and protection of these estuarine systems and the tidally influenced water bodies.
- (v) MoEF&CC with ISRO and Space Application Centre (SAC) shall identify areas of high productivity including fisheries, the migration routes of fishes and endangered species and take measures for conservation and management of these areas. Promote sustainable fisheries in the identified areas in coordination with the Ministry of Agriculture and Farmer Welfare.
- (vi) MoEF&CC alongwith Ministry of Tourism shall identify and develop the potential tourism sites where aquatic tourism could be promoted such as, snorkelling, diving, glass bottom boat tourism, yachting, tourism cruises, dolphin watching, sea turtle watching etc.
- (vii) MoEF&CC alongwith Ministry of Shipping shall identify the international and national sea routes where crude and other hazardous material are transported within the Indian waters. MoEF&CC alongwith the Indian Coast Guards shall ensure that adequate safeguard measures are provided for mitigation of oil spill and other hazardous materials within the maritime area including in the port limits.
- (viii) MoEF&CC with Ministry of Earth Sciences and other reputed scientific bodies shall undertake research in the marine areas to identify the natural resources such as minerals, medicinal value materials and promote saline area agriculture, fisheries, etc., to provide livelihood to local communities.

E. Mainland offshore islands

- (i) Mainland offshore islands and islands in tidally influenced body.
- (ii) The setback limit for the islands shall be 10 mts from the HTL if the island is located in IMCC-II areas.
- (iii) The setback limit for the islands shall be 20 mts from the HTL if the island is located in IMCC-III areas.

(iv) Developments in the island shall be regulated by local planning authorities in accordance with prevailing local laws.

F. Islands of A&N

(i) Integrated Island Management Plan (IIMP) shall be prepared by the A&N Administration as per the guidelines at annexure-....

(ii) All development in the island shall be as per the IIMP

G. Islands of Lakshadweep

(i) The IIMP as approved by Hon'ble Supreme Court in Civil Appeal No.4625-4626 of 2012 filed by M/s Sea Shell Beach Resorts Vs. Union Territory of Lakshadweep and Others (Appellant) shall be implemented by the UTLA.

5. Economically important areas and areas for public recreation

(i) The State Governments and Union Territories shall identify stretches of economically important areas and coastal marine stretches that have potential for development of public recreational facilities. The concerned State Governments and Union Territories shall prepare a management plan in consultation with NCSCM/other reputed scientific bodies for undertaking development in such economically important areas.

(ii) The stretches identified for public recreation such as sandy beaches, sand dunes, mangroves, coral reef areas and the like shall be protected and developmental activities shall be permitted as per the management plan.

6. Tourism

(i) Temporary tourism facilities such as shacks, rainshelter, toilets, washrooms, drinking water facility and the like shall be undertaken in IMCC areas identified as potential tourism sites by the respective State/UT's Tourism Department or Union Ministry of Tourism. Such temporary constructions shall be regulated by SCZMA in accordance with the local laws and strict enforcement of environmental safeguard conditions. However, such tourism facilities shall not be permitted to be operated during June to September.

(ii) A stretch of coastal length measuring 5% of the country's coast line shall be identified by Ministry of Tourism, Government of India in consultation with State Governments for tourism promotion and development of hotels & resorts, and other tourism promotion activities with following restrictions:

a) In case of coastal beaches, development of such tourism infrastructure shall be beyond 100 mtrs. from HTL and 25 mtrs. from HTL in cases of rocky coastlines.

- 7
7. List of prohibited activities except those listed in this notification are:-
- (i) Industrial activities or expansion of existing industries
 - (ii) Discharge of untreated effluents or sewage
 - (iii) Disposal of solid waste
 - (iv) Reclamation except for activities required for foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, 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) Developmental activity in high eroding sites as identified by NCSCM other than erosion control measures
8. 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 SCZMA. However, the following activities will required clearance under this Notification from MoEF&CC:-
- (a) Constructions activities relating to projects of Department of Atomic Energy or Defence requirements for which foreshore facilities are essential such as slipways, jetties, wharves quays; except for classified operational component of defence projects.
 - (b) Exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
 - (c) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants that fall under category-A of EIA notification, 2006 .
 - (d) Mining of rare minerals as listed by Department of Atomic Energy.
 - (e) Demolition and reconstruction of buildings of archaeological and historical importance, heritage buildings under public use which means building such as for the purposes of worship, education, medical care and cultural activities.
 - (f) Those projects requiring reclamation more than 5 acres.

- (8)
- 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.
 - c. Dwelling units of local communities for residential purposes and personal bonafide use not exceeding 1000 sq. ft. located in developable area under this notification shall not attract the provisions of this notification.
 - d. The appraisal and approval process of the projects requiring approval under this Notification shall be the same as laid down in EIA Notification, 2006
9. Planning, Monitoring and enforcement mechanism

The composition, tenure and mandate of NCZMA and State or UT CZMAs is at

Annexure-VI

- (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 CZMAs. NCSCM shall be the repositories of such satellite data which shall be provided to various authorities and agencies mandated for monitoring and enforcement of the notification;
 - (ii) The approved CZMPs along with any other notified areas under this draft notification and decisions taken by various authorities and agencies mandated to enforce this draft notification shall be hosted on the dedicated website of the States/UTs.;
 - (iii) SPCB shall remain responsible for taking action on violation in respect of disposal of solid waste, discharge of untreated liquid water in IMCC area.
10. IMCC Plan
- a. IMCC Plan shall be prepared by State Government through NCSCM and recommended by SCZMA and NCZMA, and approved by MoEF&CC. The IMCC Plans will be submitted by State Government within one year of publication of this Notification.
 - b. IMCC Plan shall be implemented by the concerned State Departments and monitored by State/UT Coastal Zone Management Authority and National Coastal Zone Management Authority (hereinafter referred to as the NCZMA).

Annexure-I

Criteria guidelines for preparation of Coastal Zone Management Plans

1. Demarcation of High Tide Line and Low Tide Line shall be carried out by Government of India in Ministry of Environment, Forest and Climate Change through National Centre for Sustainable Coastal Management (NCSCM). The HTL/LTL demarcated would be final HTL/LTL for all purposes including preparation of the CZMPs.
2. The demarcation of HTL/LTL shall be made on the CZMP in the scale of 1:25,000 and 1:10,000 by NCSCM.
3. The IMCC-I areas as detailed out in para 4(a) of this notification shall be superimposed in the CZMP and conservation and management plan shall be prepared for the IMCC-I areas.
4. The IMCC-II areas as indicated in para 4(b) of this notification shall be indicated on the CZMP.
5. All IMCC-III areas including the 200mts NDZ shall be demarcated on the CZMP.
6. The IMCC-IV areas and mainland offshore islands as detailed out in para 4(d) of this notification shall be indicated on the CZMP.
7. Tourism potential areas including stretch of coastal length measuring 5% of the coast line identified by Ministry of Tourism in consultation with the State Governments shall be indicated in the CZMP.
8. The shoreline indicating high, low, medium erosion stretches identified by NCSCM shall be indicated on the CZMP.
9. Areas of highly polluted coastal areas and waters shall be indicated on the CZMP.

Conservation of IMCC-I

- a. Ecologically Sensitive Areas (ESA)
- (a) Mangroves
 - (b) Corals and coral reefs and associated biodiversity
 - (c) Salt marshes
 - (d) Sea grasses
 - (e) Horse shoe crab habitats
 - (f) Turtle nesting grounds
 - (g) Bird nesting grounds
 - (h) The national parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas declared under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the F(C)A, 1980 (69 of 1980) or E(P)A 1986 (29 of 1986); including Biosphere Reserves would be conserved and protected as per the provisions of the respective Acts/notifications/guidelines.
- b. Geo-morphologically Important Zones
- (a) Intertidal areas
 - (b) Sand dunes
 - (c) Mudflats
 - (d) Sandy beaches
- c. Areas or structures of archaeological importance and heritage value sites.

11

Annexure-III

IMCC -II

The geographical limits of all municipal towns, any other town notified under statutes, and census towns as per 2011 census having a population density more than 2161 persons per sq. km. The list of such areas is as below:-

Annexure-IV

Guidelines for development and environmental safeguards in IMCC-II & III

- (i) adequate provisions/facilities shall be built to provide for quick and timely rescue, relief and rehabilitation measures in case of natural calamities;
- (ii) adequate open space shall be provided (to maintain aesthetics including adequate ground cover for fresh water recharge) and also to meet the emergencies during natural disasters;
- (iii) height regulations shall be as per the prevailing State/UT norms;
- (iv) all structures shall be provided with groundwater recharge facilities;
- (v) drawal of groundwater shall be strictly regulated and norms laid down by the local ground water authority followed
- (vi) it shall be ensured that there no discharge of untreated sewage. Efforts shall be made for zero discharge;
- (vii) no untreated or treated effluents shall be discharged. Any industrial unit operating in IMCC-II shall ensure that there is zero discharge maintained. The treated effluent shall be recycle and reused.;
- (viii) All buildings shall be provided with water recycling systems and shall use the recycled water for non-contact purposes such as gardening, farming, washing and flushing.
- (ix) no dumping of solid waste in IMCC area. The solid waste generated shall be managed as per MSW Rules as amended from time to time.
- (x) no conversion of land earmarked for parks, gardens, schools, hospitals and dispensaries, defense establishments, disaster management and other public utility areas including areas meant for fisheries.
- (xi) in case of the mainland islands a distance of 10m shall be maintained as NDZ. All developmental activities indicated above shall be taken up on the landward side of the NDZ.

Tourism in IMCC III

- Resorts, hotels and other such facilities for tourism not exceeding 9 m in height with ground plus one floor with slope and tiled roof.
- Total covered area of construction shall not exceed 33% of the total area. The open space in the site shall be utilized for greenery, non-paved parking, play fields, and so on. Green areas and open space shall be promoted so as to minimize the impact of storms and facilitate operation and rescue during natural hazards.
- Drawl of groundwater is not permitted. Adequate facilities for groundwater recharging shall be provided.
- Zero discharge of sewage shall be maintained. The tourism units shall undertake 100% recycling and reuse of treated water. The treated water shall be used within the project area for gardening, flushing, washing and the like.
- No disposal of solid waste. The solid waste generated from the tourism unit shall be managed as per MSW rules as amended from time to time. Any violation of the MSW rules shall attract stringent punitive action as prescribed under the relevant Acts/Rules.
- No operation of any hazardous or harmful activities which are detrimental to the coast and marine environment.
- Provide adequate space for the conduct of livelihood activities by local communities.
- The local communities including fishermen who possess houses in IMCC-III areas can be permitted to take up tourism activities through home stay without changing the plinth area/ design or facade of the existing houses
- The clearances and approvals for the permissible activities in IMCC-III shall be accorded by the States/UTs themselves through the respective Local Bodies without referring to CZMA but shall be as per the approved CZMP and the provisions contained in the IMCC Notification. Further, the IMCC-I areas indicated in para 7(A) above falling within IMCC-III areas shall be governed as per the provisions listed under the same para.
- All activities proposed to be undertaken in the above Coastal Regulation Zone -III areas other than those which attract EIA Notification, 2006 shall be governed by the concerned State/UT Government regulations subject to the conditions stipulated under category of Coastal Regulation Zone -III above.

(14)

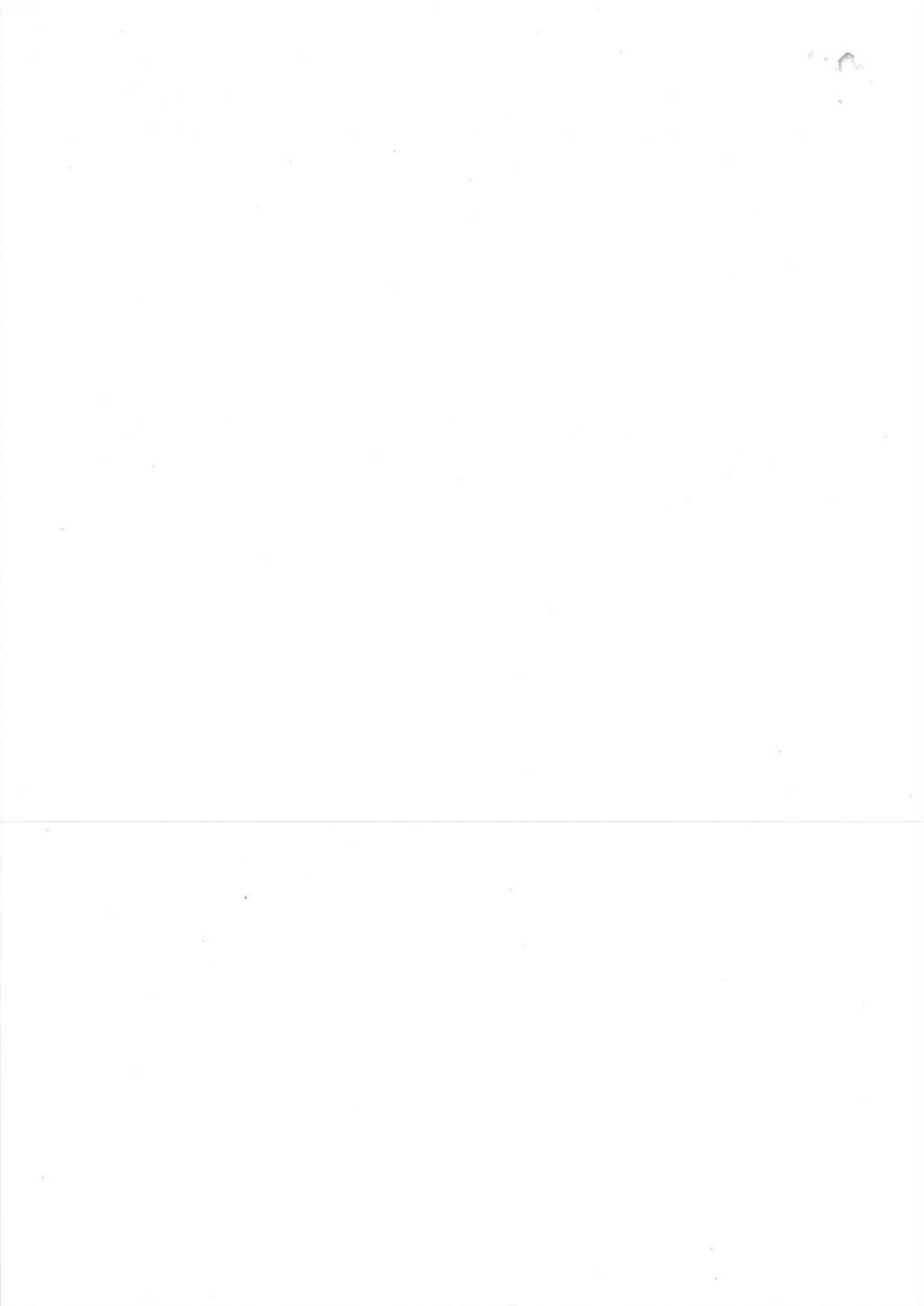
Annexure-VI

Composition, tenure and mandate of NCZMA and State or UT CZMAs

15

Annexure-VII

Guidelines for preparation of IMCC Plan for Islands of A&N and Lakshadweep



Draft

Secretary(E,F&CC)

D.O.No. 19-112/2013-IA.III

October , 2015

CRZ Notification, 2011 is in force to regulate the development activities in the designated coastal regulation zones and areas which is upto 50⁰mtrs. from high tide line. The Ministry proposes to undertake an exhaustive revision in the modification to put in place new Coastal Conservation and Management Notification aimed at utilisation of the opportunities offered by coasts in trade and tourism along with robust conservation practices for coastal protection as well as to ensure livelihood security of coastal population. In this regard Minister of Environment, Forest & Climate Change has desired to apprise Hon'ble Prime Minister on the existing provisions of CRZ Notification and proposed changes. Accordingly, it is requested that a convenient schedule for making a presentation on Coastal Conservation and Management Notification, 2015 (proposed) may kindly be indicated.

Yours sincerely,

Secretary(E,F&CC)

Shri Nripendra Misra
Principal Secretary to PM
South Block
New Delhi.

