

Report on the Public Consultation on Coastal Management Zone (CMZ) Notification, 2008

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The Centre for Environment Education (CEE) Ahmedabad is a national institution established in 1984, supported by the Ministry of Environment and Forests, Government of India and associated with Nehru Foundation for Development. The main aim of CEE is to create environmental awareness among children, youth, decision makers and the general community. To achieve this, CEE develops innovative programmes and materials and field tests them for their validity and effectiveness. The aim is to develop models that can be adapted to suit local conditions.

Foreword

Planning developmental paradigms that lead to conserving India's coastal environment and also ensuring a sustainable future for coastal communities is a major challenge. In this context, Ministry of Environment and Forests (MoEF), Government of India, has brought out guidelines, frameworks and notifications on coastal zone planning from time to time, the recent one being the draft "Coastal Management Zone (CMZ) Notification, 2008," dated 1, May 2008 (Vide No. S.O. 1070 (E) and republished on 21, July, 2008 (Vide No.S.O.1761 (E) in the Gazette of India. MoEF sought public opinion in this regard. Also, in order to capture the viewpoints and responses of the local communities and NGOs across the coastal states and union territories (U.T.), MoEF assigned Centre for Environment Education (CEE) to organize public consultations (Vide letter No. 11-83/2005-I A-III, dt.1st July 2008). This initiative of MoEF was highly appreciated by the participants across consultations.

This is the report of public consultations facilitated by CEE on the draft CMZ notification , 2008. This report prepared by CEE has attempted to capture and convey the view points of participants belonging to local communities and NGOs as expressed across 35 consultations in 9 coastal states . The opinions and view points presented here are solely those of the participants. It does not represent any view points of CEE or endorse / criticize / influence any of the view points / comments/ suggestions made in the course of consultation process.

Kartikeya V. Sarabhai
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1

Executive Summary

The Central Government has proposed a new framework to be brought into force “ for managing and regulating activities in the coastal and marine areas for conserving and protecting the coastal resources and coastal environment; and for ensuring protection of coastal population and structures from risk of inundation due to natural hazards; and for ensuring that the livelihoods of coastal populations are strengthened; by superseding the said Coastal Regulation Zone, Notification, 1991;”

In this regard, the Government has issued a draft notification “to be known as the Coastal Management Zone (CMZ) Notification, 2008, for the information of the public..” dated 1, May 2008 (Vide No. S.O. 1070 (E) in the Gazette of India. This was republished on 21, July 2008 (Vide No.S.O.1761 (E).

In order to get view points on CMZ notification, 2008 from various stakeholder groups, particularly from local communities and NGOs working in the coastal stretches, Ministry of Environment and Forests (MoEF), Government of India, commissioned Centre for Environment Education (CEE) to facilitate public consultations in the coastal states (Vide letter No. 11-83/2005-I A-III dt.1st July 2008).

CEE brought out salient features of CMZ notification, 2008 in coastal state languages, widely publicized the consultation workshops, organized these consultations in partnership with local NGOs. CEE facilitated 35 public consultations on Coastal Management Zone (CMZ) Notification, 2008 in 9 coastal states between 26th July and 13th September 2008. Around 3714 individuals belonging to various stakeholder groups , representing (i) local communities (individuals from coastal communities, panchayat members and fisher/farmer associations), (ii) NGOs and trade unions (working in coastal stretches) (iii) public authorities (Municipal corporation, block, district, state officials; political leaders) (iv) Others (academic and research organizations, legal experts, media) (v) corporate bodies (tourism, industries) participated in these consultation processes and contributed to the discussions. Around 73% of the participants represented the local communities , fisher communities in particular and NGOs (12%) working along the coastal stretches. CEE has tried to capture all the viewpoints on CMZ notification 2008, voiced across 35 consultations. A summary of the responses given below conveys major concerns and majority view points that the local communities and NGOs have expressed. Written responses, petitions, documents received during consultation workshops, and audio-video recordings of the workshop proceedings which reflect these view points are being submitted separately.

Major concerns and majority view points

On the whole, there is a consensus that sustainable development of coastal areas is important. However, with respect to the draft CMZ notification, 2008, the major concern of the local communities, especially the fishing communities who are the primary stakeholders, is that it does not offer protection to their rights to the coastal and marine resources and livelihood. They fear that the Coastal Management Zone (CMZ) Notification, 2008 will open up the coastal zones to external stakeholders, industries and corporate sector in particular, thus limiting their access to the coastal and marine resources, curtailing their livelihood opportunities and degrade the coastal ecology further. Vast majority of the respondents hence are not in favour of the Coastal Management Zone (CMZ) Notification, 2008 and want it to be withdrawn. Nearly all have strongly supported Coastal Regulation Zone (CRZ) Notification, 1991 without amendments but have recommended improvements for its effective implementation resulting in sustainable coastal zone management.

The local communities strongly feel that protection of coastal ecology and the basic rights and livelihood of the local communities should be central to any coastal zone planning. The above concerns and opinions have emerged from the majority viewpoints expressed across the 35 consultations which are presented below.

1. Nearly all the participants have expressed the view that the existing Coastal Regulation Zone (CRZ) Notification, 1991 has enough scope to manage coastal zones efficiently if implemented effectively with some improvements and existing violations penalized. Hence the need for a new framework on coastal zone management requires re-examination and convincing rationale.
2. Majority have felt the need to involve representatives from various stakeholder groups, particularly from local communities in the entire process of formulation and drafting of CMZ Notification, 2008 framework.
3. Majority are of the view that the expert committee which reviewed CRZ Notification, 1991, and recommended CMZ Notification, 2008 should have consulted or sought inputs from the local communities while drafting management methodologies recommended in the new CMZ framework.
4. Nearly all participants have stated that the terms and concepts defined in the notification such as 'setback line', 'ecologically sensitive area', 'Integrated Coastal Zone Management' (ICZM), 'sustainable development', 'sustainable coastal zone management practices', 'sound scientific principles', 'foreshore requiring facility', 'basic infrastructure', 'traditional fishing', 'fishing activities would not be disturbed', mentioned in the CMZ notification, 2008 are not clear and are open to subjective interpretations and hence need more clarity. They feel that these terms need proper explanation followed by examples. They are apprehensive about these terminologies being used only to bring in new concepts and methodologies to promote external stakeholders who would control the coastal resources at the cost of the rights and needs of the local communities.

5. Vast majority of participants have said that the criteria for identifying and demarcating various zones – CMZ I, II, III, IV and their management methodologies require more detailing and generalizations to be avoided. They have expressed serious objections concerning those of CMZ II and CMZ III in particular. They fear that most of the existing CRZ III areas would be categorized as CMZ II because of the new criteria of zone demarcation. This would lead to the utilization of earlier CRZ II and III areas for large scale construction and infrastructural growth controlled by the external stakeholders, especially industrial and corporate sectors. This would displace and marginalize the local communities triggering major stakeholder conflicts apart from ecological instability.
6. Participants are of the opinion that the CMZ notification, 2008 introduces new management methodologies which are open to subjective interpretation and can be used to promote and legalize corporate activities along the coastal zone. This may lead to conflicts among multi-stakeholder groups. Hence more clarity and detailing are required.
7. Majority of the participants fear that CMZ notification, 2008 will promote Special Economic Zones (SEZ) thus opening up the coastal space and resources to industrial sector without considering the traditional, cultural, economic and social aspects and basic rights of the local communities, especially the fisher communities who are the primary stake holders .
8. The concept of 'Setback Line' to govern the type and location of activities of the local communities is a great concern expressed across all the consultations. Participants feel that setback line, particularly its demarcation, which is done purely on scientific basis should also consider traditional knowledge and involve local communities and authorities for practical application. Their view point is that even with the latest technology, the High Tide Line (HTL) under the CRZ Notification, 1991 has not been demarcated yet and therefore, the feasibility of demarcating setback line (which has not been demonstrated yet) may pose difficulties. The knowledge and capacities of the local communities in addressing vulnerability reduction together with the technological and scientific methodologies will help to ensure safety of the local communities. Setback line in itself cannot be a solution to address the issues of vulnerability and criteria for coastal management.
9. Nearly all participants have expressed their concern on the roles of the local authorities and state government which are not adequately addressed in the proposed CMZ Notification, 2008 management methodology and structure. The basic right and opportunity for the local communities or their representatives (Panchayat members) to participate and plan the activities in their local environment and settlement areas appear curtailed in the proposed Integrated Coastal Zone Management Plan (ICZMP) process. The roles of public authorities (including Government department officials from Fisheries, Environment; Municipal corporation, Block Development Office etc.) in coastal zone management have to be specified and methodology of enforcement should be spelt out clearly. This will also help in resolving multi-stakeholder conflicts.

10. Looking at several amendments and impacts of CRZ Notification, 1991 leading to the dilution of its original objectives, there are apprehensions about the amendments in the case of CMZ Notification, 2008 too and their impacts, especially on the fishers. For instance, there is already an amendment, dated 9th May, 2008, for including Greenfield airports in the draft CMZ Notification, 2008, which does not seem to benefit the local communities. Amendments made in the CRZ Notification, 1991 have not benefited local communities since these amendments often acted as law for them. Participants are of the view that in most instances the corporate and industrial sectors use their clout to amend notifications for their benefit. This disparity needs to be addressed.
11. According to majority of participants, CRZ Notification, 1991 which is important for coastal zone management has continued to remain as a notification since 1991 and this has made it open to amendments which have diluted its original objectives resulting in regularizing its violations. The local communities are the most affected in the process. Hence a legislation or an Act on coastal management is needed wherein the coastal ecology and basic rights of the traditional coastal communities are protected. Elected members of the legislative assembly should discuss on the coastal policies to initiate such an act. Till the time a comprehensive legislation on the management of coastal zones is enacted, the Coastal Regulation Zone (CRZ) Notification, 1991 without amendments needs to be effectively implemented and violators punished, is the view of the majority participants.
12. Participants are of the opinion that public participation (especially of the local communities) in the formulation of coastal policies, management plans, implementation and monitoring needs to be ensured and the onus of such a mechanism may lie with the concerned local authorities and state governments. Local language versions of important documents and discussions should be encouraged to understand the real needs of the local community.

The local communities and NGOs have expressed that they have participated in these consultations because they are commissioned by MoEF, facilitated by CEE, with the hope that their viewpoints would be valued by the Ministry. Respondents have requested that their view points on CMZ Notification, 2008 should lead to more practical, effective and dynamic approach for managing and regulating activities in the coastal zone leading to conservation and protection of coastal resources and coastal environment; and protection of basic rights and livelihood needs of coastal communities.

2

Preamble

India is endowed with 7500 km of coastline covering the mainland and Andaman, Nicobar and Lakshadweep islands. Conserving India's coastal environment and ensuring protection to nearly 250 million people who live within a distance of 50 kms from the coast is a major challenge to Indian States.



It was late Prime Minister Indira Gandhi who first proposed the protection of Indian coastal stretches against unplanned developmental activities in 1981. Following her directive, guidelines were prepared and sent to States and Union Territories (UT). Since it had no statutory backing, States and UTs did not consider the guidelines seriously. Later in 1991, a notification on Coastal Regulation Zone (Vide No. S.O. 114 (E) dated 19, February, 1991) was brought in under Environment (protection) Act 1986 by the then Department of Environment and Forests to ensure legal protection of coastal resources against over-exploitation and regulate developmental activities.

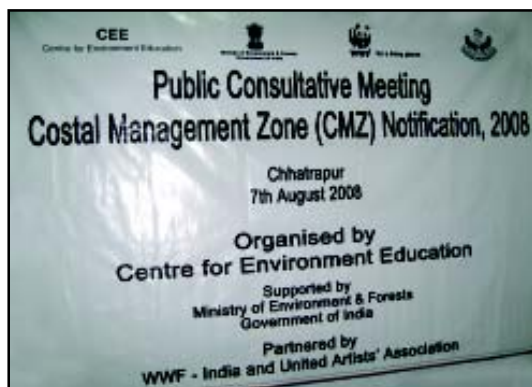
However, perceiving the continuing difficulties posed by this Coastal Regulation Zone (CRZ) Notification, 1991 in its effective implementation for the sustainable development of coastal regions as well as conservation of coastal resources, the Ministry of Environment and Forests (MoEF), Government of India, constituted an Expert Committee (Vide No.15(8)/2004-IA-III, 19 July, 2004) "to carry out a comprehensive review of the CRZ Notification including all its amendments in the light of findings and recommendations of previous committees, judicial pronouncements, representations of various stakeholders, and suggest suitable amendments, if necessary, to make the coastal regulatory framework consistent with well established scientific principles of Coastal Zone Management".

After carefully considering the report and the recommendations submitted by the expert committee (*Report of the Committee chaired by Prof.M.S.Swaminathan to review the coastal regulation zone ,1991, February 2005*), the Central Government in the Ministry of Environment and Forests decided to accept them in principle for implementation. In accordance with this decision, the Central Government has proposed a new framework to bring into force "for managing and regulating activities in the coastal and marine areas for conserving and protecting the coastal resources and coastal environment; and for ensuring protection of coastal population and structures from risk of inundation due to natural hazards; and for ensuring that the livelihoods of coastal populations are strengthened; by superseding the said Coastal Regulation Zone, Notification, 1991;" (CMZ Notification, 2008, Vide No. S.O. 1070 (E))

In this context, the Central Government has issued a draft notification “to be known as the Coastal Management Zone (CMZ) Notification, 2008 for the information of the public likely to be affected thereby” on 1, May 2008 (Vide No. S.O. 1070 (E) in the Official Gazette. This was republished on 21, July, 2008 (Vide No.S.O.1761 (E) thereby extending the period of consideration of the draft notification by another two months.

In response to this notification, several comments/suggestions have been sent to MoEF by various stakeholder groups. However, in order to get view points on the Coastal Management Zone Notification, 2008, particularly of the local communities likely to be affected and NGOs working in the coastal stretches, MoEF decided to hold public consultations in the coastal states. It commissioned Centre for Environment Education (CEE) to facilitate these consultations.

CEE as a facilitator, translated and printed the salient features of the notification in 8 languages covering 9 coastal states and UTs for wider publicity, organized 35 public consultations in 9 States and has prepared this report.



This report is a compilation of responses to the CMZ Notification, 2008 recorded during the consultation process. It has attempted to capture all the view points expressed across 35 consultations facilitated by CEE. The opinions and view points presented here are solely those of the participants. This report does not represent any view points of CEE or endorse / criticize / influence any of the view points / comments/ suggestions made in the course of consultation process. This report also has

documented the processes of the consultation and respondents profile for the better understanding of responses.

Written responses, petitions, documents received during consultation workshops, and audio and video recordings of the workshop proceedings which reflect the view points presented here are also submitted along with this report.

The term CMZ in this report refers to the draft Coastal Management Zone Notification, 2008. The term CRZ in this report refers to Coastal Regulation Zone Notification, 1991.



3

Consultation Process

35 public consultations were held in 9 coastal states between 26, July and 13, September 200 . Consultations were largely carried out through workshops.

The process followed in the consultation workshops is as follows:

3.1. Features of CMZ Notification, 2008 in local languages

As the first step, CEE planned to bring out the salient features of CMZ Notification, 2008 as published in the official gazette on 1 May, 2008, in the respective languages of the coastal states for better understanding of CMZ Notification, 2008 by the local communities . The objective was to enhance awareness on CMZ Notification, 2008, increase participation of well informed communities and improve the quality of responses.

Translators who had the experience of translating legal documents / gazette notification in the local languages were identified and engaged in developing the language versions of salient features of CMZ notification in each coastal state.



The translated material was cross checked with experts for the content consistency with the official CMZ notification document. This was then printed in 8 languages and copies were distributed to the participants through NGO networks and fisher associations before and during the workshops to help people to give their view points. This also gave wider publicity to the consultations. Request for written responses were also made.

3.2. Preparation of a generic presentation



A power point presentation of the salient features of CMZ Notification, 2008 was developed in English with visuals to be used in consultations to give an overview. This generic presentation helped to keep up the uniformity in information sharing across the consultations. Local language was used while presenting the salient features in the respective workshops. Presentation augmented the understanding of people on CMZ and helped them to give their view points. Presentation also assisted in setting up the tone for discussions.

3.3. Planning of multi-location consultations

The proposal initially was to hold 6 consultations in 9 coastal states and UTs. However CEE through its State offices strategized and planned multi-location consultations to get responses particularly from the local communities and NGOs. CEE with the help of its network of NGOs, GOs and academic institutes in each State, published consultations widely and identified partners for organizing workshops.

Each State planned the multi-location workshops based on the type of stakeholders, cultural diversity, geographical distribution, presence of partners, time constraints and the monsoon (season). This planning process helped in organizing 35 multi-location consultations across 9 coastal states thereby increasing the participation of the local communities and NGOs.



For instance, in Andhra Pradesh and Tamil Nadu, totally 9 consultation spread across the coastline to cover all the coastal districts and one each in the State Capital (Hyderabad/ Chennai) for local communities and NGOs, including public authorities and experts. In Kerala, 3 multi-location consultations were held based on the cultural diversity of the local communities spread across southern, central and northern Kerala coasts. In Goa, the first consultation generated interest and the local

NGO held additional 8 consultations in partnership with CEE. Also, in Andhra Pradesh, CEE staff went to 4 fishing villages in Prakasam district to get the viewpoints of the local community and panchayat members and collected their responses directly.

Consultation schedule is presented in Annexure 6.1

3.4. Reaching out to people

CEE used a combination of communication methods to publicize the event and reach out to people to increase the participation, particularly of the local communities and NGOs, which are as follows

- Circulation of the language versions of salient features of CMZ
- Publicity of consultation dates and venue through local newspapers
- Correspondence through letters, e-mails, internet forum and telephones (individuals and networks)
- Publicity in CEE website of the consultation dates and venue for people to attend and give in their view points at the nearest consultation venue.

3.5. Consultation Workshop proceedings

Each workshop started with registration. This was followed by generic presentation in the local language. A panel of experts or a chairperson chosen by CEE regulated the proceedings of the open house discussion in every workshop. These experts were academicians , legal consultants, NGO heads, community leaders.

The duration of consultation workshops varied from 4 hours to 8 hours. CEE staff recorded and monitored the proceedings of each workshop. We did not go for a structured opinion poll since we were apprehensive about the questions restricting / influencing view points and feedback.



3.6. Documentation

We used a combination of methods to document participant profile and proceedings of the workshop. More than 90% participants who attended the workshop were registered. We noted down the responses and minutes of the discussion. We recorded the entire proceedings of the workshop using audio-video media. We also encouraged and collected written responses from the participants to make sure that their view points are recorded. We invited local news channels, news papers to cover the event for wider publicity , reach and participation. At the end of each consultation, the view points were consolidated and shared with the participants.



3.7. Post consultation

Proceedings of each workshop was summarized. Responses that we received through mails and direct interactions were also considered. Highlights of the workshops and general



comments received were put up on CEE website (www.ceeindia.org). The news papers and news channels also reported the workshop proceedings.

3.8. Limitations

Consultations attracted large response. However, the time constraints to communicate and organize workshops, rains, and travel costs for the participants were the limitations to cover more coastal areas in each State. In some consultations, particularly in Kerala and Tamil Nadu, some NGO networks even threatened to boycott the CMZ consultation (fearing that the consultations were being held to endorse CMZ Notification, 2008 rather than to seek community viewpoints on it) causing considerable anxiety about peoples participation.

Another limitation of these consultations facilitated by CEE is that it did not have representation of local community and other stakeholders from Andaman, Nicobar and Lakshwadeep islands and other small islands falling under CRZ IV or CMZ IV.

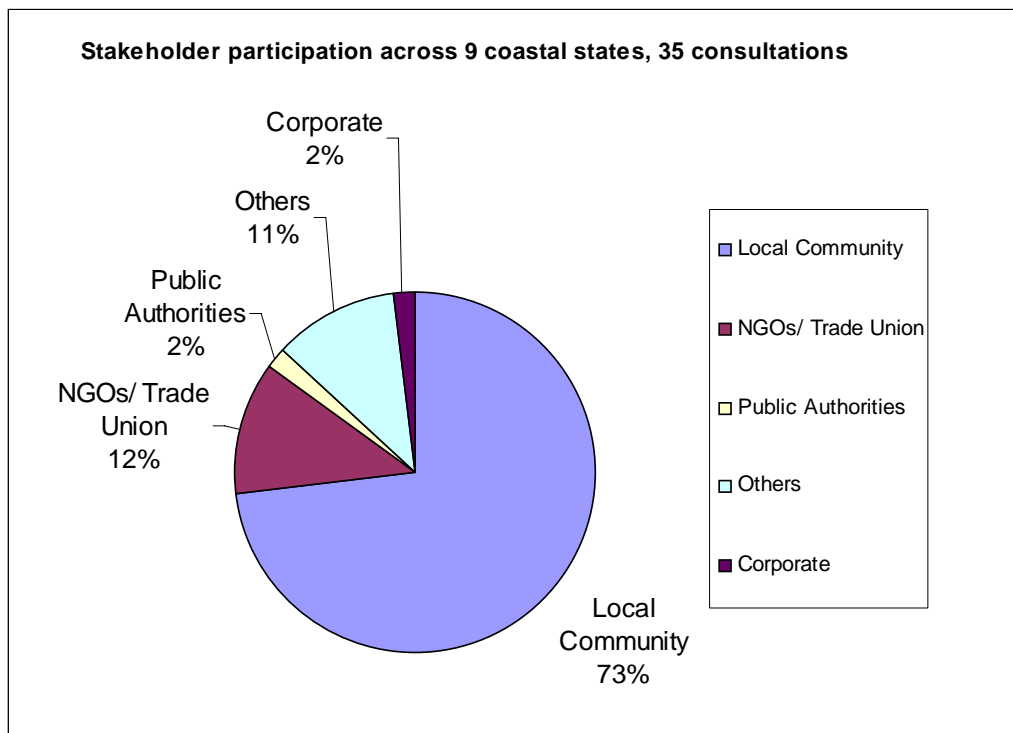


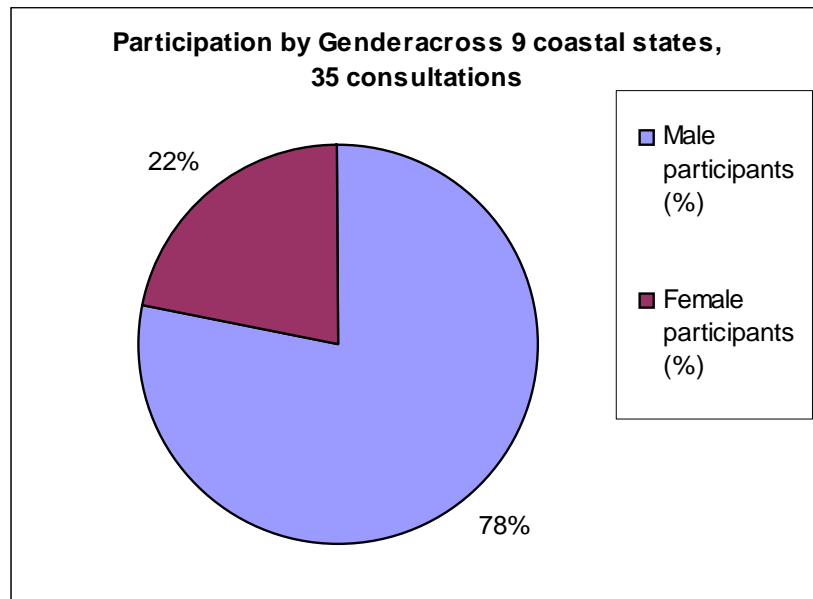
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Respondent Profile

Around 3714 people participated and contributed to the proceedings of 35 consultations. They belonged to various stakeholder groups, representing (i) local communities (individuals from coastal communities, panchayat members and fisher/farmer associations), (ii) NGOs and trade unions (iii) public authorities (Municipal corporation, block, district, state officials; political leaders) (iv)Others (academic and research organizations, legal experts, media) (v) corporate bodies(tourism, industries). Around 73% of the participants represented the local communities, particularly fishers and 12% represented NGOs working in coastal areas. About 22% respondents were women. On an average 100 people participated per consultation. Highest participation was in Tamil Nadu which was around 1000.

They were individual responses and organizational responses as well. Most individual responses came from local coastal communities, especially the fishers. Most of the organizational responses came from local fisher associations and NGOs working in the coastal stretches.





5

Major Concerns and Majority View Points

On the whole, there is a consensus that sustainable development of coastal areas is important. However, with respect to the draft CMZ Notification, 2008, the major concern of the local communities, especially the fishing communities who are the primary stakeholders, is that it does not offer protection to their rights to the coastal and marine resources and livelihood. They fear that CMZ Notification, 2008 will open up the coastal zones to external stakeholders, industries and corporate sector in particular, thus limiting their access to the coastal and marine resources, curtailing their livelihood opportunities and degrade the coastal ecology further. Vast majority of the respondents hence are not in favour of the Coastal Management Zone (CMZ) Notification, 2008 and want it to be withdrawn. Nearly all have strongly supported Coastal Regulation Zone (CRZ) Notification, 1991, without amendments but have recommended improvements for its effective implementation resulting in sustainable coastal zone management.

The local community strongly feel that protection of coastal ecology and the basic rights and livelihood of the local communities should be central to any coastal zone planning. The above concerns and opinions have emerged from the majority view points expressed across the 35 consultations which are presented below. The view points received have been grouped / categorized under the broad heads - Drafting of CMZ Notification 2008, Terminologies and definitions, Categorization of Coastal Zones, Management Methodology, Management structure, Operationalization of the CMZ Notification, 2008, Amendments and Other concerns and view points - closely following the drafting pattern of the CMZ Notification, 2008.



Drafting of CMZ Notification, 2008

1. Processes followed in the formulation and drafting of CMZ notification requires re-examination. The expert committee which reviewed CRZ Notification 1991, and recommended CMZ Notification, 2008 could have consulted or sought inputs from the local communities or their representatives (Panchayat members) while drafting management methodologies recommended in the new CMZ framework .
2. Rationale behind the CMZ Notification, 2008 needs clarity. Proper explanation on aspects of CRZ Notification, 1991 that were proven to be disadvantageous because of which CMZ notification 2008 has emerged, is required.

3. The coastal zone areas under the CRZ Notification, 1991 were initially protected through regulation of industrial activities, until several amendments were enacted to dilute this objective. There is fear that the proposed CMZ Notification, 2008 builds on this regressive trend and proposes management methodologies that encourages and legalizes industrial and corporate activities along the coastal zones as long as they are recorded in the 'Integrated Coastal Zone Management Plans' (ICZMP).

Terminologies and definitions

4. The terminologies defined and the concepts like 'setback line', 'ecologically sensitive area', 'Integrated Coastal Zone Management' (ICZM), mentioned in the CMZ Notification, 2008 are vague and are open to subjective interpretations. Hence clarity is required on these aspects. The CMZ notification is a complex document and not easily understood by the stakeholders, particularly the traditional communities. Simplification and translation of the document in the local languages will help in enhancing the understanding of the notification.
5. The CMZ Notification, 2008 uses the terms like "sustainable development", "sustainable coastal zone management practices" and "sound scientific principles", "foreshore requiring facility" or "basic infrastructure". They feel that these terms need proper



explanation followed by examples. They are apprehensive about these terminologies being used only to bring in new concepts and methodologies to promote external stakeholders who would control the coastal resources at the cost of the rights and needs of the local communities.

6. Terms like "traditional fishing" mentioned in the CMZ Notification, 2008 need to be well defined. The notification mentions that the fishing activities would not be 'disturbed'.

The word 'disturbed' in context of fishing communities is very broad and does not offer legal protection of the basic rights of the fishers. Conflicts with other stakeholders on the 'disturbance of fisher activities' might lead to litigations.

7. Appendix II point (6) in the Notification refers to 'Coastal freshwater bodies such as creeks'. Since creeks cannot be included under freshwater bodies, clarity on 'coastal freshwater bodies' is required.
8. Clarity is required whether all Ecologically Sensitive Areas (ESA) would be notified as in the case of Protected Areas.

Categorization of Coastal Zones

9. Criteria for categorizing various zones – CMZ I, II, III, IV should be made clear and generalizations avoided. In particular, serious objections concerning those of CMZ II and CMZ III were raised by majority participants on this. Most of the existing CRZ III areas would now be categorized as CMZ II because of the new criteria of zone categorization. There is a fear that such a shift in categorization of coastal zones would lead to management problems and the utilization of earlier CRZ II and III areas for large scale construction, tourism and industries governed by external stakeholders. This would displace and marginalize the local communities further, triggering major stakeholder conflicts besides causing ecological instability.
10. 'Areas with population density of more than 400 people' would be categorized under CMZ II as per the CMZ Notification, 2008. It is feared that this criterion would place several coastal stretches of the country under CMZ II with common management guidelines, without considering the diversity. For instance, this criterion would place the entire coast of Kerala under CMZ II. This situation is confusing and alarming since there would be just one common coastal management methodology for the entire coast. Considering individual characteristic of the coastal stretches, the cultural significance and the basic needs and rights of the coastal communities will help in planning of the coastal zones appropriately.
11. States like Kerala, characterized by backwaters and more than 40 rivers; most of the inland water bodies which will be affected by high tide, will come under CMZ III. This has implications on the permissible activities along the either side of the backwater bodies. There is a concern on the restrictions on cottage industries like coir and common people's right to build homes on the banks of inland water bodies where they traditionally own land.
12. CMZ Notification, 2008 categorizes only certain coastal areas as 'ecologically sensitive areas' (ESA). This methodology of categorization does not acknowledge the fact that the marine and coastal ecosystem in its entirety is ecologically important. It takes away the ecological significance of the entire coast. Such categorization considers that non-ESA areas are not important in maintaining the functional integrity of the coast, including serving as natural barriers to coastal hazards and harbouring a diverse biodiversity that provide valuable resources to local communities. This needs to be addressed.
13. Potential coastal stretches that are conducive for plantations, especially mangrove plantations, or existing degraded/underdeveloped ESA areas like mangrove areas, nesting areas requiring restoration, may be lost, if such stretches are classified under CMZ II or III. There is a danger that this may invite external stakeholders and take away the opportunity to develop the coastal ecology. This requires to be addressed in the categorization more carefully.

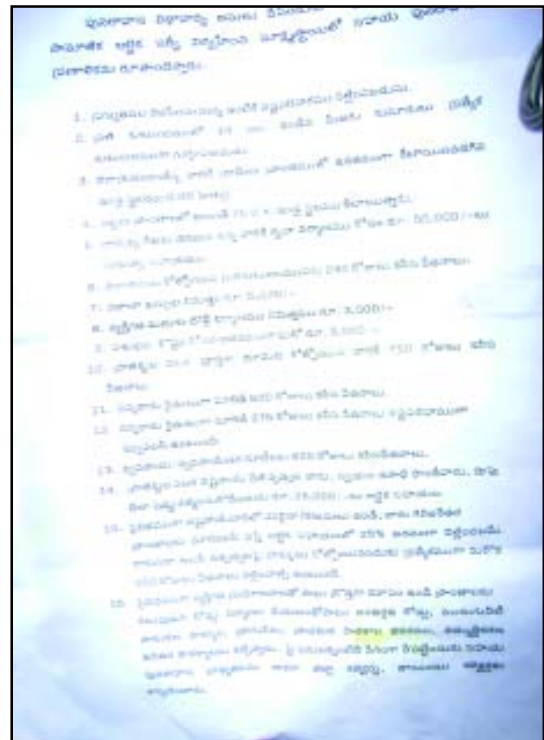
Management Methodology



14. Management methodologies of CMZ I, II, III, IV have to be detailed and generalizations avoided since they are open to subjective interpretations leading to multi-stakeholder conflicts and environmental impact.
15. The action to be taken in case of violations of the CMZ Notification, 2008 provisions and the nature and composition of competent authorities or an appellate system that can identify and penalize violations need to be mentioned in the CMZ notification.
16. Clarity on the management of fishing activity in CMZ Notification, 2008 is required since it only mentions that 'there would be no restriction on fishing or fisheries related activities of local communities'. It does not say anything about the mechanized fishing and other types of fishing. Types of fishing permitted within 12 nautical miles towards sea need to be specified. The fisher communities fear that the fishing activities in the 12 nautical miles would be controlled by the Central Government and promote foreign mechanized vessels to operate in this area.
17. While the seaward boundary in the CMZ Notification, 2008 is extended to 12 nautical miles into the sea, the rationale behind it is not clear. It appears that this provision has been made to include the sea-bed and near shore sea waters under coastal zone management and introduce mining, oil exploration, mechanized fishing activities and 'mari-culture' activities. There is a need to define and list activities (permitted/restricted) in the proposed 12 nautical mile in the sea.
18. The concept of 'Setback Line' to govern the type and location of activities of the local communities is a cause of great concern. Practical application of setback line, particularly its demarcation, which is done purely on scientific basis without the local communities' or authorities' involvement is highly debatable. Even with the latest technology, the High Tide Line (HTL) under the CRZ Notification, 1991 has not been demarcated yet and therefore, the feasibility of demarcating setback line (which has not been demonstrated yet) will be a difficult task. The knowledge and capacities of the local communities in addressing vulnerability reduction has to be considered together with the technological and scientific methodologies in order to ensure safety of the local communities. Setback line in itself cannot be a solution to address the issues of vulnerability. Participants feel that setback line should not become a *lakshmanrekha* to the fisher community and their activities.
19. As per CMZ Notification, 2008 new settlements and public utility structures like schools, markets etc. are not allowed on the sea ward side of the setback line. There is an apprehension that this would obstruct the development of new houses and basic

amenities in the existing local settlement area; significantly curtail the accessibility of the local community to the shore and sea resources; and limit the scope and right of their future generation to the coastal resources. On the other hand, temporary tourism structures are allowed on the sea ward side, which in participants view is a deliberate attempt to move away local communities, while promoting outside stakeholders to move closer to the sea. Fear that multi-stakeholder conflicts would then arise is strongly expressed by the participants.

20. Majority have voiced that the CMZ Notification, 2008 is open to subjective interpretation and hence would benefit the corporate sector, especially, large investors like tourism, industry, refineries, mining, besides Special Economic Zones (SEZ) along the coastal zone. The local communities in Andhra Pradesh, particularly feel strongly that CMZ is meant to promote SEZs and cited examples such as upcoming port at Visakhapatnam, Information Technology (IT) companies near *Yerrada Konda* fishing village, the proposed Port, Power plant, Glass factory and Ship building yard in Prakasam district, Oil drilling operations in Godavari district etc, where the local communities are severely affected. The employment potential for the members of the fisher communities in any of these projects is low since their existing skills or education does not match the requirements of these projects.



21. The influx of the external stakeholders (especially in coastal SEZs), might lead to the raise in land value along the coastal stretches thereby pressurizing local communities to sell their land. This may displace them from the coastal areas and also disrupt their socio-economic life. *Addnakipeta*, a fishing village in Kakinada in Andhra Pradesh is an example for this.
22. The problems of expanding population of the coastal communities and their requirement of coastal space for their shelter and livelihood needs are inadequately addressed. Provisions should be made to protect their future resource needs.
23. The new criteria of identifying CMZ II and management methodologies allows large scale construction to take place on the landward side till the "last approved structure or road" as on 2008. Participants have expressed fear that this may lead to regularization of illegal structures that came up since CRZ 1991.



24. The cultural aspects of the fisher folk and their traditional dependence on the coastal resources need to be adequately addressed in the CMZ. Major concern is that if CMZ is implemented, local communities, especially the fisher folk, will be marginalized and alienated from the sea and sea based livelihood activities.

25. 'No development zones' concept as in the CRZ Notification, 1991 need to be introduced for the protection and

conservation of coastal areas. The CRZ I areas under the CRZ Notification were initially defined as areas where no activities would be permitted until several amendments were introduced to dilute the original objective. The proposed CMZ Notification should rectify this mistake of CRZ Notification, 1991 before the situation worsens by promotion of developmental activities.

26. Various developmental activities would be allowed as long as they mention the ecological impacts and measures taken for environmental protection in Integrated Coastal Zone Management Plans (ICZMP). However, it is important to implement environmental protection measures and should not remain as a blue print without actual implementation.

27. The experience of the implementation of CRZ Notification, 1991 has shown that effective actions were not taken to control environmental degradation of the coast even though there were legal provisions. Participants apprehend that since CMZ provisions do not appear to decrease the coastal environmental degradation it may actually intensify such degradation.

28. CMZ Notification, 2008 has provisions for constructing coastal protection structures. The concern is that whether these structures would be environmentally friendly and not hinder the livelihood related activities of the local communities. For instance, in Pondicherry, sea wall (protection structure) has restricted the accessibility of the fishers to the sea coast and transportation of their livelihood tools like boats and nets. The impact of such structures on the coastal morphology, especially on the sand dunes must not be detrimental or increase the vulnerability of the local settlements.



29. Under CMZ Notification, 2008 management methodology, activities like laying of pipelines and other infrastructures for transportation and storage of chemicals must not be allowed in and around the coastal habitations and settlement areas. Such activities would lead to the risk of chemical disasters in coastal areas, especially considering the vulnerability of the coast to natural hazards.
30. There must be strict regulations for controlling the release of effluents into the sea which is hazardous for the marine ecosystem. The impact of coastal and marine pollution has a direct detrimental effect on the livelihoods of the traditional communities, especially the fishers. The standards for environmental monitoring and assessments should be periodically revised and strictly monitored.
31. CMZ Notification, 2008 states that bio-shields should be planted as protection measures. Promotion of bio-shield along the coastal areas should not result in such areas being declared and demarcated as reserve forest area by the forest department over a period of time. If this happens, it would restrict the accessibility of the local community to the shore and also take away their basic rights over the coastal space, resources and livelihood activities as in the case of *Koonimedu*, a fishing village in Villupuram District of Tamil Nadu.
32. Clear guidelines should be given on conservation issues for small islands categorized under CMZ IV, with the focus on the protection of these islands against inundation due to impact of climate change and ecological degradation.
33. A common management plan for the whole country will not serve the purpose. It has to be tailor made for different states keeping in mind the diverse coastal environments, cultures of the coastal communities.

Management structure

34. The roles of the local authorities and state government is ambiguous in the proposed CMZ Notification, 2008 management structure and methodology. The basic right and opportunity for the local communities or their representatives (Panchayat members) to participate and plan the activities in their local environment and settlement areas are highly curtailed in the proposed Integrated Coastal Zone Management Plan (ICZMP) process. Roles of public authorities (including various Government departments like Fisheries, Environment, Municipal corporation, Block Development Office etc.) should be well defined along with the methodology for enforcement, especially in resolving multi-stakeholder conflicts.
35. The rights of the local self governments like the panchayats or the municipalities over the local resource management are very much curtailed as per the provisions of the CMZ Notification, 2008. Even the state government also does not have decision making powers on their coastal stretches. The governance of local resources and coastal stretches would become major issues due to the clause that most of the large

investment projects will only require the endorsement or approval of the MoEF and not the local authorities. This essentially means that the local self governments will have no say when large scale investments are being planned for the coast. This matter needs to be addressed.



36. The state governments like in Tamil Nadu, Maharashtra have sought extension to give their views on the CMZ Notification, 2008. The local authorities and department officials of the state government are also concerned about the implementation procedures of the CMZ since they themselves are not clear on the management methodologies and interpretation of the clauses. In Andhra Pradesh, some of the officials termed CMZ as an 'implementer's nightmare'. Dr. Subha Raul, Mayor of Mumbai Municipal

Corporation stated that they are not clear about the impact of CMZ management methodologies in urban areas like Mumbai and role clarity of local authorities like Municipal Corporations.

37. The composition of the national board for coastal zone management as given in the annexure of the CMZ notification has to be recomposed such that 50% of its members must represent local communities .
38. Capacity of institutions for developing Integrated Coastal Zone Management Plan (ICZMP) should be enhanced. Local communities and local authorities must become a part of such a planning process.
39. The proposed CMZ Notification need to give details on the monitoring mechanism of the coastal activities. Besides the concerned State Coastal Zone Management Authorities (SCZMAs) and authorities at the National level local, representatives of the coastal communities should also be given responsibility of monitoring as a part of the monitoring team.

Operationalization of the CMZ

40. CRZ Notification 1991 has enough scope to manage coastal zones efficiently if implemented effectively with some improvements and existing violations penalized. Hence the need for a new framework like CMZ calls for a re-examination.
41. Majority of the participants felt that the CRZ 1991 has been diluted through the series of amendments over the years. Further, ineffective implementation, weak enforcement as well as violators not being punished have actually made CRZ not achieve its original objectives. The issue is therefore to strengthen the CRZ and enforce it efficiently rather

than coming up with a new framework as proposed in CMZ. Therefore implementation of CRZ, 1991 without existing amendments is recommended.

42. Near all participants have expressed the view that they are not in favour of the CMZ notification, 2008 and they want it to be withdrawn.
43. Majority participants have recommended that frameworks for coastal management must be brought out as an Act rather than a notification with traditional rights of fisher communities over coastal lands and waters protected. Legislative assembly should debate on such policies before being taken up for implementation.



Amendments

44. People have felt that the very fact that an amendment (dt.9th May,2008) to include Green Field Airports has been notified on the existing draft CMZ Notification, 2008 (published on 1st May, 2008) within a week of publishing the original notification actually indicates the last minute inclusion of demands of the industrial and tourism lobby rather than a real need for the local community. The notification mentions about “Green Field Airports”. However, the people are not aware of the term “Green Field Airport”. It is also not clear as to how Green Field Airport it would be beneficial to the local community.
45. Looking at the experience of CRZ Notification, 1991 which was amended many times, there is a concern that CMZ Notification, 2008 will also go through series of amendments. Participants are of the view that, notifications which can be easily amended cannot protect the coasts from degradation. In the longer run, the CMZ Notification does not benefit the marginalized and it often becomes the law for them. They fear that industries use their clout to amend it and further amendments would be made to suit the interests of industry, tourism, mining and real estate lobbies. This disparity needs to be addressed.

Others concerns and view points

46. Participants feel that the State Governments are responsible to initiate and host public consultations which will have local, state and nation wide implications. The notification document should be available to the local communities in their local language and in simplified versions so that they are well aware of the contents of the notification. Peoples participation in policy formulation is very important.



47. Traditional fisher folk should be recognized as a 'special community' in the similar fashion as tribals in forest area. Their basic rights should be respected and their sole dependence on sea and coastal resources for their shelter and livelihood needs to be protected. It is important to recognize the fact that sea for fishermen is like land for a farmer and forest for tribal communities.
48. The coastal environment has already witnessed large scale destruction of mangroves, pollution, mining and land reclamation over the years since CRZ 1991 was notified. This has also resulted in decreased fish stocks and marine biodiversity, further affecting the livelihood of the traditional communities, especially of the fishers. Therefore, any coastal management need to consider protection and conservation of marine resources and coastal ecosystem.
49. There is a need to map the overall ecological status and level of degradation of the coastal zones across the country. Developmental activities should be planned on this baseline data of coastal zone. The cumulative impact of various development activities spread across the coastal stretches must be considered for long term planning and management.
50. Considering the vulnerability of the coast due to impact of global warming, Integrated Coastal Zone Management Plan must focus on livelihood security of the local community and ecological protection rather than mere development goals.

Corporate bodies viewpoints (from Gujarat)

Respondents from corporate and industrial sector was in minority (2% of the total respondents). These are some of their view points, emerged particularly in Gujarat consultations from this group.

The objective of the notification is to manage the coastal zone instead of merely regulating it. While CMZ notification will lead to optimum utilization of coast, there is no clarity on many aspects of the notification and are very ambiguous, so much so that the industries have difficulty in reaching a conclusion as to which activities pose problems and what would not. For instance, 'development of the landward side of the setback line in CMZ II areas shall be as per the local town and country planning rules existing on the day of notification' requires clarification with respect to industries and ports. There has to be clarity on what kind of industries and through what process can come up in the coastal areas. There is lack of clarity whether the ancillary activities like warehouses and go-downs on the coasts will be allowed or not. Also, there is no clarity on already established industries and their modernization.

Port and port based SEZ/industrial activities should be permissible subject to Environmental Impact Assessment and due incorporation of the environmental safeguards.

CMZ clearance should not be routed through the concerned State Authority to avoid the delay and duplication of the scrutiny process. Similarly, the State Authority while scrutiny of

the applications which they are empowered should not ask the same to be routed through the local authorities.

Clarity is also required whether all sand beaches, mudflats, salt marshes, freshwater creeks are categorized as CMZ I (Ecologically Sensitive Areas, ESA). This would mean there would not be any activity which requires water front and foreshore facilities that can come up in CMZ areas without touching the ESA. According to them, major coastal stretches can fall into CMZ I since coastlines would be either be beach areas or mudflats or salt marshes. The nesting grounds of birds are included in ESA. It is however difficult to demarcate such areas.



Participants in almost all consultations, especially the local communities and NGOs have appreciated MoEF for initiating public consultations on draft CMZ notification, 2008 . Participants have attended these consultations because they are commissioned by MoEF, facilitated by CEE with the hope that their viewpoints would be valued by the Ministry. Respondents have requested that their view points on CMZ should lead to more practical, effective and dynamic approach for managing and regulating activities in the coastal zone for conserving and protecting the coastal resources and coastal environment; and for ensuring protection of asic rights and livelihood needs of coastal communities.

A glimpse of participants expressions captured in video and audio recordings by CEE during various consultations are submitted along with this report.



6

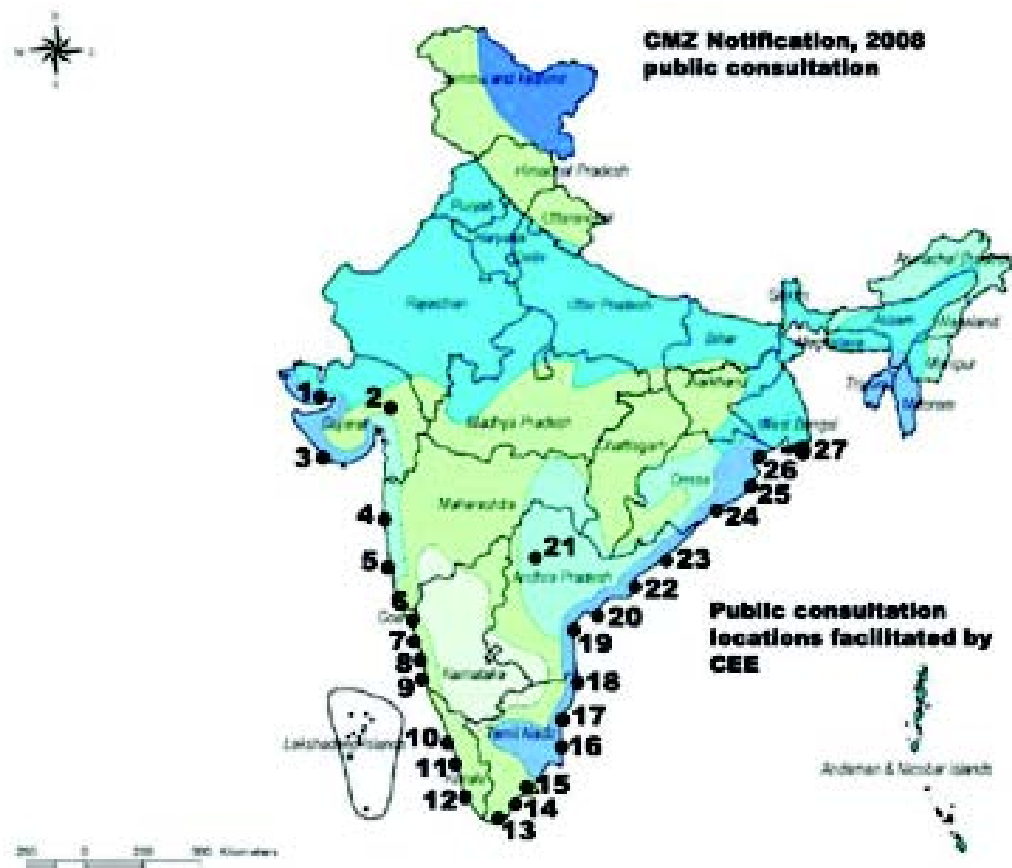
Annexure

6.1a Public Consultation schedule on Coastal Management Zone (CMZ) Notification, 2008 conducted by Centre for Environment Education (CEE)

State	No. of Consultations	Date of Consultation	Venue	Partner Organization
Gujarat	3	31-07-08	Veraval	Veraval Industries Association (VIA)
		09-08-08	Bhadreshwar	SETU, Bhadreshwar
		20-08-08	Ahmedabad	
Maharashtra	2	19-08-08	Mumbai	Srushtidnyan
		20-08-08	Chiplun	Srushtidnyan
Goa	9	08-08-08	Panaji	
		17-08-08 to 13-09-08	Colva, Colva beach, Mapusa, Majorda, Velim, Canacona, St. Estevam, Vasco	Goa Civic and Consumer Action Network (GOACAN)
Karnataka	3	13-08-08	Ankola	Canara Green Academy, Sirsi
		14-08-08	Honnavar	Canara Green Academy, Sirsi
		16-08-08	Mangalore	College of Fisheries, Mangalore
Kerala	3	08-08-08	Thiruvananthapuram	Trivandrum Social Service Society
		13-08-08	Ernakulam	Rotary Club of Tripunithura Royale
		22-08-08	Thalassery	Nettur Technical Training Foundation (NTTF) & Tellicherry Rotary Club
Tamil Nadu	6	08-08-2008	Nagarkovil	Society for Education and Development (SED)
		09-08-2008	Thoothukudi	Tamil Nadu Multipurpose Social Service Society & TRUE - Vision
		13-08-2008	Puducherry	Holistic approach for People's Empowerment (HOPE)

State	No. of Consultations	Date of Consultation	Venue	Partner Organization
		14-08-2008	Karaikal	South Indian Federation of Fishermen Societies (SIFFS)
		16-08-2008	Ramanathapuram	Integrated Rural Workers Organisation (IRWO), SIFFS & ARIF
		21-08-2008	Chennai	Gandhian Unit for Integrated Development Education (GUIDE)
Andhra Pradesh	5	26-7-08	Visakhapatnam	Traditional Fishermen Service Organisation (TFSO)
		29-7-08	Kakinada	(TFSO), State Institute of Fisheries Technology (SIFT)
		31-7-08	Chirala	(TFSO)
		2-8-08	Repalle	(TFSO)
		22-8-08	Hyderabad	Andhra Pradesh State Pollution Control Board
Orissa	3	04-08-08	Balasore	WWF Orissa Chapter & United Artists Association
		06-08-08	Konark	
		07-08-08	Chhatrapur	
West Bengal	1	13-08-08	Dhamakhali (North 24 Parganas)	Society for Environment & Development (ENDEV)
9 coastal states	35 consultations	26-07-08 to 13-09-08		24 partners

6.1 b Map of India showing the CMZ Notification, 2008 public consultation locations along the coastline conducted by CEE



6.2 Summary of State viewpoints

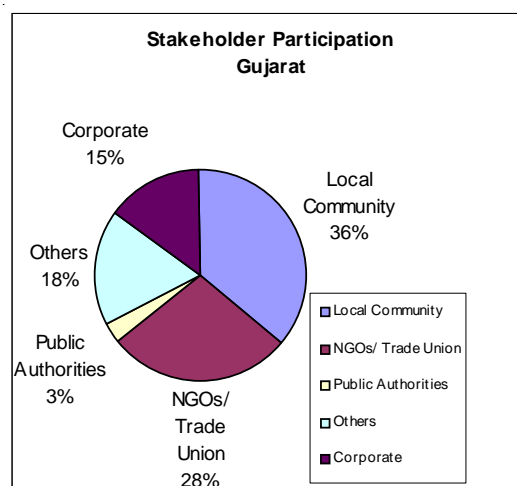
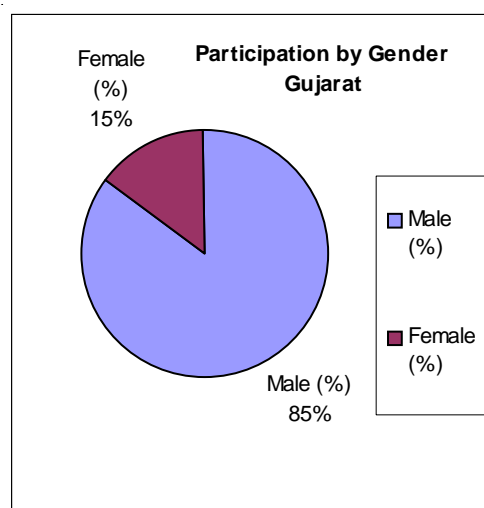
Summary of each State viewpoints given here includes, consolidation/ compilation of all the view points expressed during all the consultations held in the State. The State Summary Report follows the geographical order beginning with Gujarat and ends with West Bengal.

Gujarat

No. of consultations : 3 - Veraval (Southern coast), Bhadreshwar (Northern coast),
Ahmedabad

No of participants : 196

Partners : Veraval Industries Association, Setu (Bhadreshwar)



Major concerns

In Gujarat, the major apprehension was that CMZ Notification, 2008 would marginalize and displace the local communities and therefore wanted it to be withdrawn.

View points

1. CMZ Notification 2008 does not seem to benefit the local communities and they fear that it often becomes the law for them while, the industry uses its clout to amend it and flout it. This disparity needs to be addressed.
2. A comprehensive “Act” for coastal management with strong enforcement is needed and until then CRZ Notification 1991 should be enforced.
3. The coastal policy and legislation has to be tailor made for different states keeping in mind the different coastal environments of the country.

4. The major concern about the CMZ notification, 2008 is that it will displace and marginalize the primarily stakeholders - 'Fishing community' in particular from the coast by restricting their access to the sea due to the other development work that might be permitted and subsequent degradation leading to loss of biodiversity and ultimately the livelihood, through decline in fish catch. CMZ Notification, 2008 has not taken in to account the livelihoods rights of the fishermen.
5. Clear guidelines or methodology for zone identification, especially for CMZ I areas are needed. Terms like "traditional fishing" needs definition/elaboration. The notification mentions that the fishing activities would not be 'disturbed'. The word 'disturbed' in context of fishing community is very broad and often leads to disputes.
6. Some of the text of the Notification is not clear. For instance, a line in Appendix II 6 reads as 'Coastal freshwater bodies such as creeks, lakes'. Here the term fresh water is confusing. Similarly, there is no clarity on whether the identified Ecologically Sensitive Areas (ESA) will be notified as in protected areas.
7. Clarity on the competent authority to address the grievances related to coastal zone multi-stakeholder conflicts and punitive action for non-compliance to the provisions, is required. CMZ Notification, 2008 mentions EIA for many of the activities but the experience shows that it does not reduce the impact on the natural resources. There is a requirement for involvement of local community in preparation of plans and assessment of the carrying capacity of the ecosystem.
8. Not many institutions are capable of developing and implementing Integrated Coastal Zone Management Plan (ICZMP). Role of the local communities in ICZMP is not mentioned in the notification. It is unclear how activities will be handled amongst various government departments concerned with implementation of CZM Notification, 2008. While the notification names several public authorities, such as local government institutions, state coastal zone management authorities and the central government, it does not clearly spell out the functions of each body with respect to managing the coastal zone. Also, there is no mention of an appellate system for resolving multi-stakeholder conflicts.
9. The criteria for categorizing CMZ II and management methodology is feared, would bring in a large number of coastal villages under rapid urbanization. Since the concept of "No Development Zone" has been done away in the new (CMZ) notification, there would be large scale construction activities in the coastal zone.
10. Some aspects like delineation of the setback line to be prepared in two years period appears very ambitious. The methodology listed for demarcation of the setback line is very complex and technically difficult considering the fact that the High Tide Line (HTL) has not been demarcated even after many years of implementation of CRZ notification (1991).
11. There is a need to map the level of degradation of the coastal zones and monitor the status on a periodic basis. The management methodology of coastal zone must ensure that the further degradation of ecosystems is prevented.

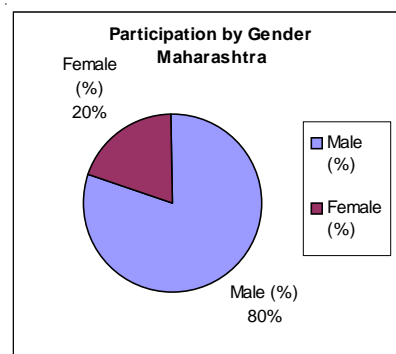
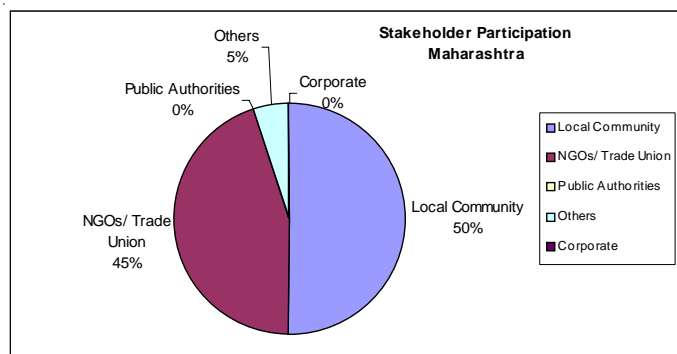
12. While CRZ Notification, 1991 took into account the resources available, ecology and was value based; the drafting CMZ Notification, 2008 appears to serve only economic interests at the cost of coastal ecology. The CMZ Notification, 2008 does not address the problems and issues of CRZ Notification, 1991. For instance, it has not considered the steps to be taken for cases of violations of the CRZ 1991 Notification violations. CRZ Notification, 1991 was amended many times since its original notification and there is a concern that there is no assurance that CMZ Notification, 2008 will not be amended especially on
13. the key concerns such as the rights of local communities like fisher-folk.
14. Views of the representatives of the corporate sector, which were in minority (2 %) are as follows:
15. The Gujarat coast has been used for economic benefits, not worrying much about the environmental cost. In this regard, the Integrated Coastal Zone Management Plan (ICZMP) is a good opportunity to address the needs and issues of the coast into account. Sustainable Development means utilization of natural capital for economical benefits. This needs to be kept in mind while developing the ICZMP. According to them, there is no clarity on the modernization of the already established industries and also permission to the ancillary activities like warehouses and go-downs on the coasts. They noted that the draft CMZ Notification, 2008 circulated is very ambiguous, so much so that the industries have difficulty in reaching a conclusion as to what activities are permitted/ restricted.
16. In CMZ Notification, 2008, issues like development of the landward side of the setback line in CMZ II areas “ shall be as per the local town and country planning rules as existed on the day of this notification”, requires clarification with respect to industries and ports. In absence of proper guidelines / methodology for regulating the activities, the concerned Government Authorities may start receiving and processing the applications for clearance purposes, which certainly is not the objective of the Notification. The application of CMZ clearance should not be routed through the concerned State Authority to avoid delay and duplication of the scrutiny process. Similarly, the State Authority while scrutinizing the applications they are empowered to, should not receive applications routed through the local authorities.
17. All sand beaches, mudflats, salt marshes, freshwater creeks including the nesting grounds of birds are proposed in CMZ I category which are essentially Ecologically Sensitive Areas (ESA). It is however difficult to demarcate such areas since they are found throughout the coastline. This means that there would not be any activity which requires water front and foreshore facilities in any of the CMZ areas without disturbing ESAs . However, the port and port based SEZ / industrial activities should be permissible, subject to Environmental Impact Assessment and with due incorporation of the environmental safeguards.

Maharashtra

No. of consultations : 2 Mumbai (Covering northern coast) , Chiplun Covering Southern coast)

No of participants : 200

Partners : Srushtidnyan



Major concerns

Major concern in Maharashtra was that the CMZ Notification, 2008 does not offer protection to the rights and livelihood of the fishing and other local communities, also to the coastal ecology. Dr. Subha Raul, Mayor of Mumbai Municipal Corporation expressed the concern of Mumbai Municipal Corporation on the kind of role local authorities like the BMC will play in the implementation of the notification. Earnest concerns were also raised about the future of Mumbai city. Participants were unanimous in not favouring or supporting the CMZ Notification, 2008. On the other hand they strongly felt that the Coastal Regulation Zone (CRZ) Notification, 1991 to be implemented with certain amendments.

View points

1. There is a fear of negative impacts of CMZ Notification, 2008 on the lifestyle, livelihood and basic rights of the fisher community. The new draft notification would open up the coast for commercial activities such as tourism, industries and other infrastructure related activities. If these industries are allowed, there would be conflicts of interest and the local fishing communities would be badly affected and their very livelihood would be in stake. If allied industries are allowed on the coast there may be every chance that fishing communities might be relocated beyond 500 meters. In this case it is a violation of livelihood rights of the local fishing communities. Fishing communities need to be on the shore for their daily activities.
2. Management practices have not been detailed and appear ambiguous in the draft CMZ Notification, 2008.

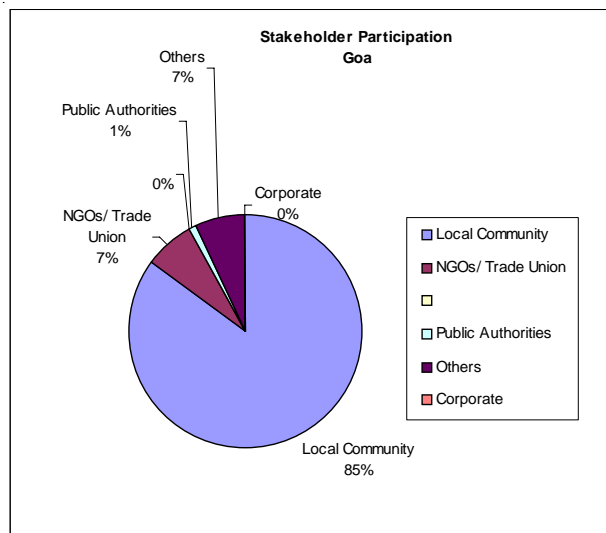
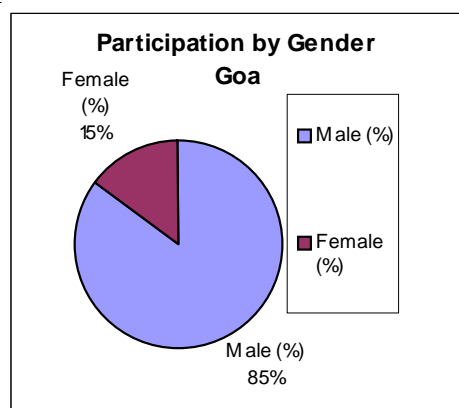
3. The role of coastal village panchayat members and other local public authorities in the implementation of CMZ is not clear. They should be involved in Integrated Coastal Zone Management Plan (ICZMP).
4. The local communities fear that the existing violations of CRZ notification, 1991 will get regularized in the new CMZ Notification, 2008, thus benefiting law breakers .
5. While planning for CMZ activities as per the notification provisions, it is important to realize the implications of these on the coastal cities and not just the original residents / local communities of the coast.
6. In the last 17 years of CRZ existence, High Tide Line (HTL), Low Tide Line (LTL) has not been demarcated. However, the new CMZ notification aims at demarcating the setback line in period of 2 years which requires significant level of information and technology, and therefore appears a difficult proposition. Local community should be involved in the process of demarcating the setback line.
7. Construction of dwelling units and other construction within the seaward side of the setback line should be permissible for the local fishing communities and fishing related activities and not for other commercial activities.
8. Public consultations are important for people to contribute meaningful inputs and hence this process should be adopted before formulating new policies and plans for coastal areas.
9. CRZ Notification, 1991 should be strengthened bringing in the possible good points of CMZ wherever possible and strictly enforced. CRZ 1991 has indeed protected the rights of the local communities and therefore it should be continued. Coastal Zone Management Plan as required by present CRZ notification 1991 should be implemented ensuring participation of fishing community recognizing them as a legitimate right holders and custodian of coastal and fishery resources. Constitution gives traditional and customary rights to the fisher communities which should be protected.
10. The local communities and Community Based Organizations (CBO) opined that there should be a comprehensive national policy for conservation of coastal and marine biodiversity and for protection of customary use of traditional livelihood practices dependent on coastal resources. It should be enacted through a participatory process on the basis of public consultations.

Goa

No. of consultations : 8 (2- Colva, Mapusa, Majorda, Velim, Canacona, St. Estevam, Vasco)

No of participants : 1000

Partners : Goa Civic and Consumer Action Network (GOACAN)



Major concerns

The participants have expressed a strong concern about the introduction of a new framework for coastal area management in the form of CMZ Notification, 2008 despite the existing CRZ Notification, 1991. Instead of bringing out a new framework, participants felt that strengthening CRZ 1991 notification and stopping violations would have been made for more effective implementation of CRZ. It is evident that the CRZ 1991 being “regulatory” in nature, all the activities detrimental to the coastal ecology were banned within the 500 meters from High Tide Line (HTL) which has so far protected the traditional fishing communities living very close to the coast. CRZ Notification, 1991 has helped to protect the interests and rights of fishing communities along the coast thus. Hence participants are of the opinion that CMZ notification, 2008 should be withdrawn and CRZ notification, 1991 should be strengthened by drawing some of the good features of CMZ like set back line.

View points

1. Impact of the 17 years of CRZ implementation (which is regulatory notification) is that there have been rampant violation that has lead to destruction of the coastal ecology which the authority has not managed to stop therefore it is hard to believe how the new framework like helps protect and scientifically manage the coastal resources.

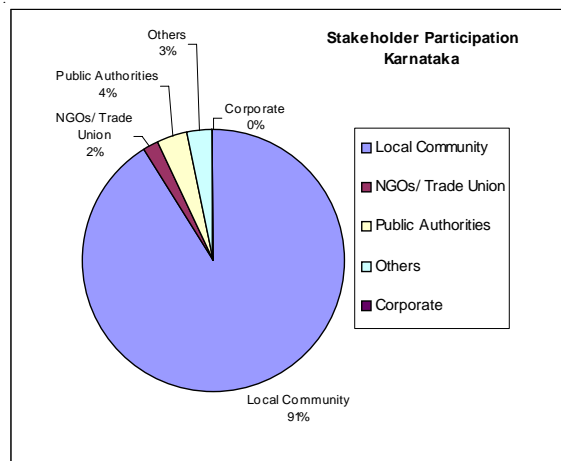
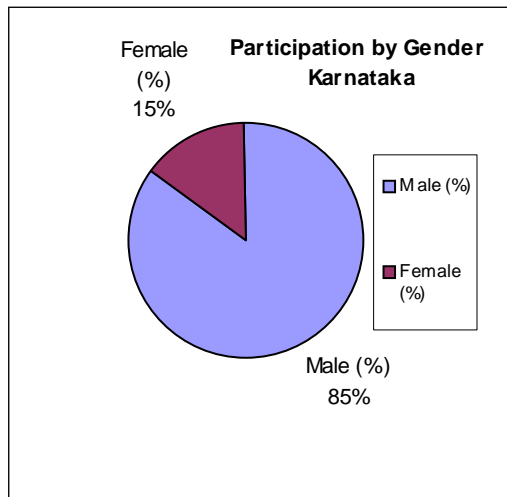
2. In CRZ notification, 1991; activities within 500 meters from the HTL is set highly regulated and restricted. In the new CMZ notification, 2008 this provision is not clear and the activities are based on the location of the setback line, which is variable. Also, there has been no exercise before CMZ draft notification to mark or demonstrate the setback line, develop ICZMP and so on and therefore its practical implementation and effectiveness is doubtful and needs to be re-examined.
3. While CMZ does not protect fishing communities by allowing and managing all other activities, CRZ protects the coastal fishing community by not permitting construction and settlements other than that of the fishing communities within the first 200 meters of HTL.
4. In CMZ, 12 nautical miles have been taken under the coastal management zone and various activities are proposed to be allowed in this area while the coastal waters were not taken in to regulation in CRZ. If commercial activities are allowed fishing communities will face a grave situation, especially in terms of their livelihood.
5. The drafting process of the CMZ notification 2008 is controversial.
6. It is hard to believe that CMZ offers Integrated Coastal Zone Management Plan when there is no such plan in place for 17 years of the existence of CRZ.
7. If CMZ comes into force, there is fear that all the violations of CRZ would be regularized.
8. Building new airports along the coast, mining, construction of Jetties, harbours are detrimental to the coast of Goa and it hampers the traditional fishing.
9. It is also cause of concern that various activities are allowed in CMZ III which could be detrimental to the coastal ecology and in no way help the traditional fishing communities.

Karnataka

No. of consultations : 3 (Ankola and Honnavar covering northern part of the coast,
Mangalore covering southern part of the coast)

No of participants : 234

Partners : Canara Green Academy, Sirsi College of Fisheries, Mangalore



Major concerns

Participants including the local communities, traditional fisher associations like the Akhila Karnataka Fishermen Parishad and NGOs expressed the concern that the CMZ Notification, 2008 will not benefit the coastal communities. On the other hand, it will disturb their livelihoods, traditional lifestyles and even the existing habitations in the coastal areas. Nearly all the participants opposed CMZ notification 2008 which they felt favours the industrial sector and marginalizes the coastal communities.

View points

1. CMZ has no precautionary and protective principles of CRZ 1991. CMZ notification is clearly being introduced to allow access to wide range of activities without any concern for the carrying capacity of the coast. CMZ will set the stage for a rapid urbanization of the coast which will be disastrous for the eco-system and environment.
2. The new criteria of categorizing the zones and management methodologies which allows large scale construction to take place on the landward side particularly in CMZ II till the "last approved structure or road" as on 2008 will lead to regularisation of illegal structures that came up since 1991 violating the current CRZ –II areas.
3. CMZ would lead to the denial of the right of fisher communities to live near the coast that is vital for their livelihood ; displacement of fishermen by new 'developments' on the

coast; initiation of conflicts with external stakeholders due subjective interpretation of the CMZ Notification, 2008 clauses as in Gangavaram and Surya Lanka, the fishing villages in Dakshina Kannada district . The focus of the coastal management must be to protect the coastal ecosystem, and thereby improve the fishing livelihoods which are dependent on the ecosystem.

4. While 12 nautical miles in the sea is included in the CMZ regime , purpose of this inclusion is not very clear and appears to legalise the use of the sea for various purposes including “mari-culture”. There is a need to define and list activities in the proposed 12 nautical miles of sea .
5. The “set back line” which is yet to be demarcated will be a “Lakshman rekha” for construction of community dwelling units and related activities.
6. There is no clarify on the setback line if there will be changes over a period of time based on the changes in geography and vulnerability of the coast. Involvement of local authorities and local communities in demarcating the setback line is not mentioned in the notification.
7. There is no clarity on the activities on the banks of river influenced by the tidal action.
8. CMZ has a provision to construct coastal protection structures. Such structures should not hinder fishing and other fisheries related activities .
9. Since the local bodies on the coast with more than 400 persons per square kilometer, come under “Areas of Particular Concern” and hence in CMZ II, most of the coastal fishing villages in Karnataka coast will come under CMZ II opeing up the coast to the external stakeholders.
10. The structure and processes followed in ICZMP and the involvement of local authorities and communities in the development of plan is not clear.
11. A study on the intensity of anthropogenic intervention in the coastal areas and risk assessment or impact assessment must be conducted for ICZMP.
12. Activities like fish processing units, recreational activities, tourism, power plants, and discharge of treated effluents must be closely monitored and local representatives involved so that the pollution on the coastal area and sea water is checked and remedial measures identified thus improving the coastal ecosystem
13. Implement the original CRZ notification 1991, and ensure its strict enforcement Violators should be punished . Withdraw the proposed CMZ notification
14. Develop and implement coastal zone management plans (as required by the CRZ notification), ensuring participation of the fishing community in the process, recognising them as the legitimate right holders and custodians of coastal and fisheries resources.
15. Enact a comprehensive national legislation for conservation of coastal and marine biodiversity, through participatory process.

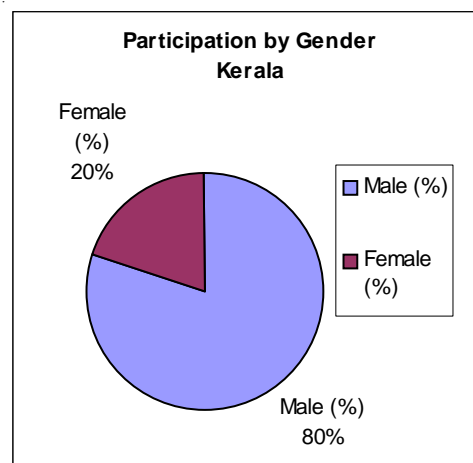
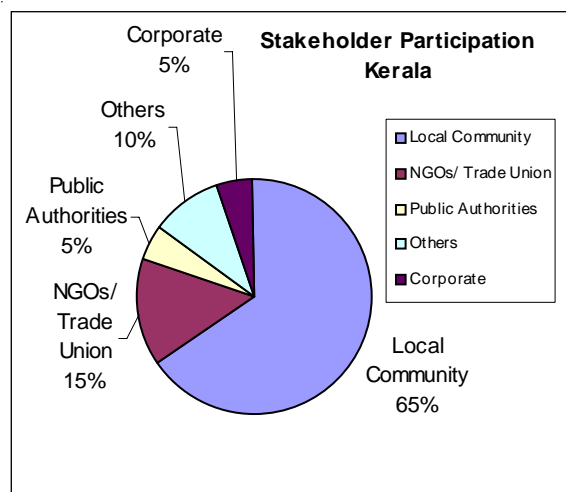
16. Ensure that the traditional and customary rights of fisher people over coastal lands and waters are legally recognised and protected.
17. The local government or the concerned authorities have not made CRZ and CMZ available in the local languages, which makes the community difficult to be aware of or understand and voice their opinion. The state government should be made responsible for enabling such a mechanism and involve Panchayats in the process.

Kerala

No. of consultations : 3 (Thiruvananthapuram (South Kerala) , Ernakulam (Central Kerala)and Thalassery (North Kerala)

No of participants : 260

Partners : Trivandrum Social Service Society (TSSS), Rotary club of Tripunithura Royale, Nittur Technical Training Foundation (NTTF), Thalassery Rotary Club, Dr. Sanjeeva Ghosh



Major concerns

Major concern expressed in all the 3 consultation revolved round the fishing communities and their livelihood. Participants were unhappy that while formulating CMZ, the fisher communities were not been consulted. The views of the local self governments including those of the fisheries department have also not been considered. If implemented, CMZ would actually be an authoritarian law that would be enforced on the people without their consent. CMZ, in its present form, should not be taken forward before discussions are held with the community at the panchayat level.

Another concern was that the violations of CRZ notification, 1991 are likely to be regularized by CMZ. The very fact that an amendment has been notified on CMZ notification, 2008 within a week of its notification “ to consider proposals for developing green filed airport ”shows that the law is likely to be diluted to suit the interests of industry, tourism, mining and real estate lobbies.

View points

1. CMZ is vague on many key issues and liable to misinterpretation. CMZ favours large investment sectors like tourism, industry, refineries, mining, besides SEZs. Once these lobbies start their activities on the coast, the fisher community's access to the sea and

its resources will be curtailed or even denied. Their livelihood, settlements and culture will become insecure lead to migration for survival. The fisher community being one of the poorest communities in the state and their status is equivalent to the backward community, displacing them from the coastal environment will make them refugees since they will not be allowed to carry on with the occupation they have been born into, the compensation they get for their property will be not even a fraction of what they actually lose and their tradition, culture and customs will die. Tourism, industry, mining, SEZs should not be promoted at the cost of the livelihood and settlements of the fisher community and their access to the coastal resources. The fisher communities should also have access to development and education, but this should not be at the cost of their livelihoods and settlements.

2. The coast belongs to the fisher community by tradition – do not alienate this community from their homeland.
3. It is impractical to have one uniform framework like CMZ Notification, 2008 enforced across the coastal states of India. Each coast is different and requires a different kind of plan for its development and protection. In Kerala, the coast in each district is different from any other. Site specific plans are required for each coast/district.
4. Economic activities, particularly booming tourism is a cause of concern. Tourism though is an income generating activity, destructive to the coast. It will bring in elements like star hotels, luxury resorts, secluded paces, all of which will reduce the community's access to the sea and the coast, and thereby their occupation and livelihood. Their culture will also be affected with the introduction of an alien culture and ways. Other investors like industries and mining will also displace them from the coast.
5. The rights of the local self governments like the Panchayats or the municipalities, and sometimes even the state government, are being transgressed upon or diluted due to the clause that most of the large investment projects will require the endorsement or approval of the MoEF. This essentially means that the local self governments will have no say when large scale investments are being planned for the coast.
6. The setback line is not very clear to anybody. The factors mentioned in as criteria for fixing the setback line does not include the local communities' views or even the state government's assessment or feedback. The setback line should not become a lakshmanrekha to the fisher communities and their activities. The concept of setback line has been introduced mainly because of the recent tsunami. While fixing the setback line, the indigenous and traditional knowledge of the coastal community should be taken into account, since the community knows the sea and the coast intimately. Due to the climate change phenomenon, the data related to the various factors will vary considerably; hence instead of fixing the setback line, it should be reviewed periodically against such changes.
7. In the case of Kerala, a state characterized by backwaters and more than 40 rivers, most of the inland water bodies which will be affected by high tide, will come under

CMZ III. Hence while CRZ affects only the sea coast, CMZ will affect the inland water bodies also. This means industries like coir and common people's right to build homes on the banks of inland water bodies where they have traditionally owned land, will also be affected.

8. Going by the density of population criterion, the entire coast of Kerala will come under CMZ II, as the density of population in the coastal panchayats is 400 or more. Since many restrictions are placed on construction and extension activities in this zone, the settlements of the fisher community, largely falling within this zone will be affected. They will not be able to build extensions to their homes or schools for their children. This is ironic as at the same time, huge constructions may come up in the same region as part of development plans. This is as good as denying development to the fisher community.
9. Though CMZ mentions environment protection as one of its objectives, there are no clear clauses laid down for ensuring this. Marine biodiversity and resources need to be protected and nurtured strictly. Kerala coast had in earlier days a huge mangrove ecology which has been lost now except in pockets in Kannur district. Mangrove plantation should be encouraged and restored to ensure protection of the coast from disasters. Marine biodiversity and resources consisting millions of life forms cannot be protected by placing a restriction of 12 nautical miles. The entire oceanic ecosystem needs to be protected for which clear cut guidelines should be laid down by law. Only if these life forms have a conducive environment to flourish, fisheries will also flourish. This concern is missing in CMZ which only mentions this aspect in passing and does not elaborate on it. The categorization of eco sensitive regions is faulty – while inland mudbanks are mentioned, many other areas like estuaries are missed out. Ensure protection of the coastal environment, marine biodiversity and coastal ecosystems through stringent measures.
10. The composition of the national board for coastal zone management as given in the annexure reveals that actual fisher communities representatives are just one male and one female, and their organizational representatives are just three. The rest of the 32 member board is filled with ministers, officials, scientists and experts who may or may not have experience or knowledge of the coast. This board should be re-composed with 50% of the members being direct community representatives and the rest officials, experts, etc. Ensure participation of the community as well as local self governments in all decision making relating to the coast.
11. Any new law should be formulated only after extensive discussions with the coastal community at the panchayat level.
12. CRZ, though regulatory in nature, was more favourable to the fisher community and also towards environment protection. It was more specific and clearer than CMZ. Violations should not be regularised and all the violators of CRZ should be punished.

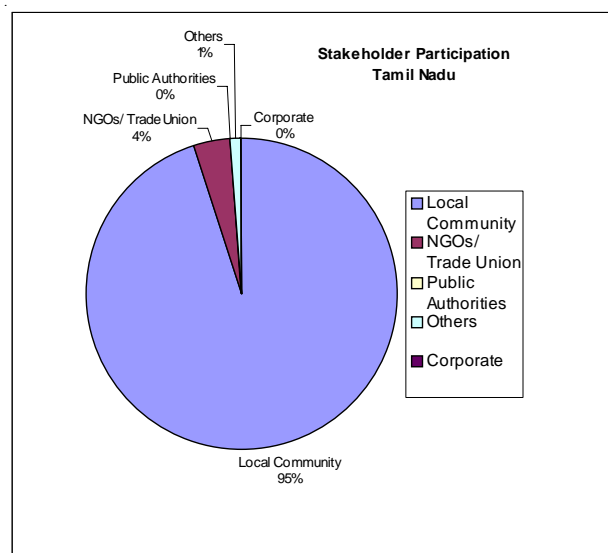
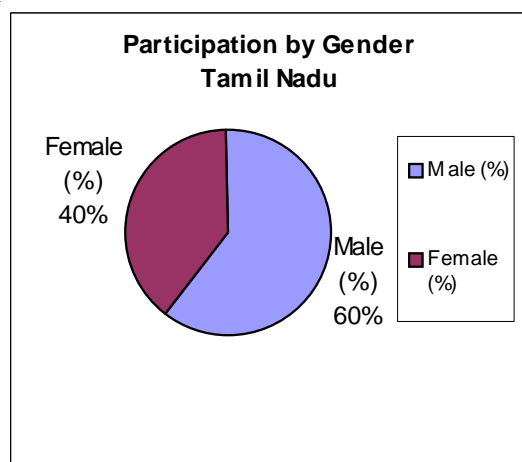
13. CMZ should be scraped and CRZ should be implemented without diluting it with the amendments made. Include some good points like setback line from CMZ, but ensure it is fixed with the participation of the local community, panchayat and state government, besides scientific institutions.

Tamil Nadu

No. of consultations : 6 (Kanyakumari , Tutukudi , Ramanathapuram (covering southern coast) Karaikal, Pondicherry, Chennai (covering northern coast))

No of participants : 1000

Partners : Gandhian Unit for Integrated Development Education (GUIDE), South Indian Federation of Fishermen Societies(SIFFS), Society for Education and Development (SED), Tamil nadu Multipurpose Social Service Society(TMSSS), Holistic Approach for Peoples Empowerment (HOPE), ARIF, Integrated Rural Workers Organization (IRWO), TRUE VISION



The major concerns

Major concern expressed about the CMZ framework is that it displaces coastal communities, curtailing their rights on coastal resources.

View Points

1. The expert committee report has not considered traditional knowledge in deciding the management plan in CMZ. This may result in irrelevant plans.
2. With the regulating agencies finding it difficult to control or regulate activities in the CRZ zones which are clearly demarcated, it may be difficult to “manage” the coasts in case of CMZ where the setback line is yet to be demarcated.
3. The Government has already allowed several establishments like beach resorts, strategic installations (defense projects) , ports and harbours which are prohibited under the existing CRZ notification. The introduction of CMZ will only to seek legal

sanctity to such violations curtailing the rights of livelihood of fisher communities. It also threatens the cultural and social environment of the local community making coast unsafe for women in particular.

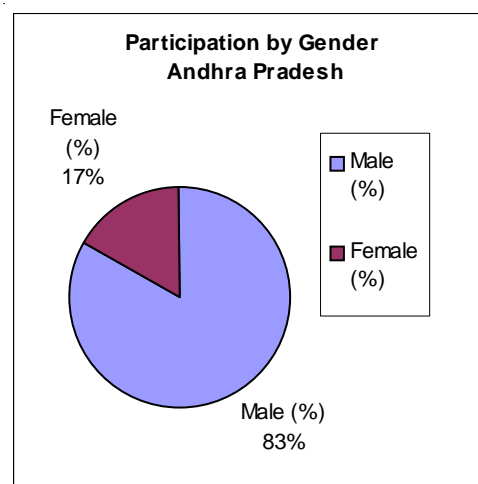
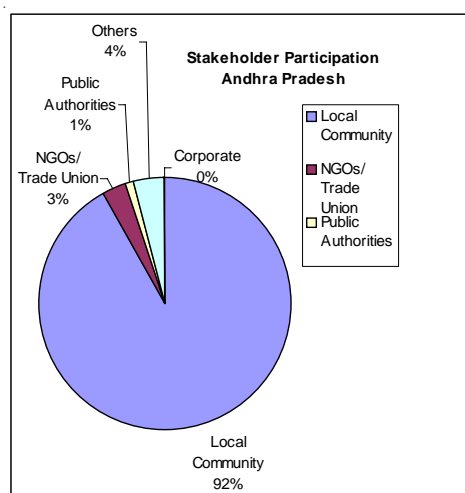
4. Legislation to protect the rights of the fishing communities over the sea and its resources should be brought in, just like the tribal legislation
5. CMZ does not recognize the needs of the increasing population of the coastal communities like land , housing, livelihood.
6. The new notification is undemocratic and non-transparent and local communities have not been consulted in its formulation. It seems to favour the corporate sector.
7. There is no clarity in CMZ on the protection and management of the coastal biodiversity
8. The concept of CMZ seems to be based on the Integrated coastal zone management plan developed for western countries which is not a very successful model.
9. The chances of the set-back line falling beyond the local administrative boundaries would imply that the local administration would actually be governed by the Centre.
10. The existing port and airports in coastal zone have not provided employment opportunities for the communities affected or displaced. Therefore allowing more such development projects will only reduce the chances of livelihood opportunities of the coastal communities.
11. The setback line prohibiting the construction of schools and market place on the seaward side may deprive large number of school going children of their basic need for education, since these schools may come up far from their settlement areas.
12. Tourism related activities such as temporary constructions, water sports facilities along the coast should not be allowed near the habitations.
13. Extraction of chemicals and permitting the laying of pipelines as conduit for chemicals must not be allowed on the coast to avoid chemical accidents.
14. National Board for Sustainable Coastal Zone Management must have greater representation from the local coastal communities (fishing, agriculture, and others).
15. Under CMZ, raising bio-shields may result in the areas being demarcated as a reserve forest area by the forest department which may prohibit fishing activities and accessibility to the coast as in the case of Koonimedu, a fishing village in Villupuram District of Tamil Nadu.
16. The miners involved in the coastal sand mining have already trespassed into areas beyond the permissible zones. With the CMZ encouraging the establishment of newer mining set-ups and with no or very minimal monitoring measures in place, it would only further deteriorate the coastal sand-dunes, which are the natural barriers.
17. Instead of bringing a new notification, CRZ notification should be improved and effectively implemented.

Andhra Pradesh

No. of consultations : 5 (Vishakapatnam, Kakinada, Chirala. Repalle and Hyderabad)

No of participants : 524

Partners : Traditional Fishermen Service Organization (TFSO)



Major concerns

The major concern expressed in these consultations on CMZ Notification, 2008 is that it severely affects the livelihood of the local communities and their traditional lifestyle. According to the coastal communities the rationale of CMZ Notification, 2008 is not clear and convincing, therefore fear that CMZ Notification, 2008 opens up the coastal space and resources to the Special Economic Zone (SEZ), limiting their rights and access to coastal resources. Entire fishermen community has argued that the CMZ Notification, 2008 is equivalent to that of Special Economic Zone (SEZ) which threatens them to move away from their only source of livelihood – the sea. In the support of their argument participants have even narrated their recent conflicts with Government and Private Companies on the issues of relocation /evacuation of their hamlets/villages for the proposed development activities along the coast such as upcoming port at Visakhapatnam, Information Technology companies near Yerrada Konda, proposed Port, Power plant, Glass factory and Ship building yard in Prakasam district, Oil drilling operations in Godavari district. They have stated that several rallies and protests have been organized to highlight their issues and petitions on the same, have been submitted to the concerned authorities.

View points

1. While Coastal Regulation Zone (CRZ) Notification, 1991 has a mandate for protection of the coastal environment, CMZ Notification, 2008 appears to be more 'development' or industry driven. Explanation of why CRZ Notification, 1991 was replaced with is not clear and convincing. The advantages and disadvantages of CRZ Notification, 1991 need to be considered before bringing a new framework.
2. The unanimous response to CMZ Notification, 2008 in all the 5 consultations is to withdraw the CMZ Notification, 2008 notification and improve the CRZ and emerge an "Act" and implement the same after setting up efficient mechanisms of enforcement. Penalties for trespassing the CRZ Notification, 1991 regulations should be made clear and enforcement mechanism should be set up. Action should be taken on all violators immediately.
3. Fishermen communities who are the major stakeholders should be involved or consulted by the review committee during the process of formulation of new framework.
4. While 500 meters demarcation as in CRZ Notification, 1991 should remain, setback line concept of CMZ can be integrated into CRZ. In cases where the setback line falls beyond the 500 meters of high tide line, then it can be considered as landward boundary for the coastal zone. However, coastal and fishermen communities should be consulted before demarcating the setback line.
5. The places where the existing mangrove are degraded or lost should still be categorized under CRZ I or CMZ zone I and not under any other zones with the pretext that there are no standing mangroves as of now. Also efforts should be made by the Government towards restoring the mangroves. Institutes and NGOs who are working towards mangrove restoration should be encouraged.
6. Even though the CMZ Notification, 2008 clearly states that none of the fishery related activities by traditional fishermen communities will be disturbed, restrictions will be imposed due to developmental activities especially by the external stakeholders, their settlements are already being identified as coastal corridors and tensions between the local communities, Government and Private companies for land acquisition have already started. One major recommendation is to consider the sea as the major source of livelihood for fishermen as in case of forest for tribals and make the Act as strong as tribal Act where no external stakeholder can occupy the land or use the land.
7. There should be strict regulations for controlling the release of effluents into the sea which is hazardous for the fish spawning. Even though the effluents are treated, factors such as temperature of the effluent will still affect the spawning. While there are restrictions on fishing during some seasons, there are no such restrictions for effluent release and hence these regulations should be revised once again keeping this in view.
8. The activities that might happen in the 12 nautical miles (territorial waters) need to be listed out and no activity which threatens the livelihoods of fishermen should be

allowed. Tourism and Mari-culture including aqua culture operations near the coast need to be restricted. A comprehensive legislation is the need of the hour to protect the marine resources, fishermen rights and to protect the ecology. Traditional rights of fishermen should be clearly stated.

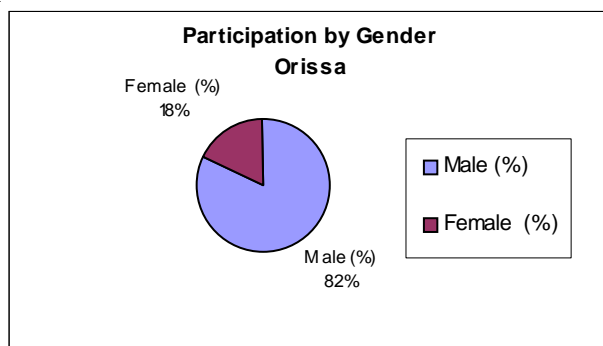
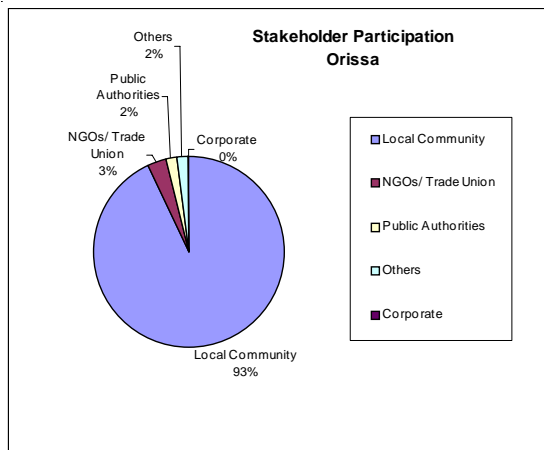
9. Consultations should cover substantial representation of fisher communities and panchayats and decision should be taken only after considering their opinion.
10. Clear guidelines for categorization of island villages should be given and protection of the same should be ensured in the wake of global warming.

Orissa

No. of consultations : 3 (Balasore – covering northern coast of Orissa, Konark covering central coast and, Chhatrapur covering southern part of the coast)

No of participants : 170

Partners : WWF, Orissa chapter and United artists Association



Major concerns

Participants unanimously have not favoured CMZ 2008 and called for a withdrawal of the Notification since they feel that this notification is discriminatory favouring the external stakeholders. Participants recommend the strengthening of the CRZ, 1991 with a primary focus on protection of the rights of the traditional fisher folk, their livelihood needs and coastal ecology. A comprehensive Act needs to be in place for coastal management.

View points

1. The violations in CRZ are being regularized in the name of CMZ. Since its formulation CRZ 1991, is not implemented effectively. Hence there are doubts regarding the effective implementation of CMZ too.
2. The CMZ notification is basically a discriminatory document that allows a number of new stakeholders to enter the coast while ignoring the claims of those who have been traditionally linked to the sea and have been the real owners and protectors of the coast.
3. No consultation was done with the local communities who are the primary stakeholders. The fishermen communities were not consulted during the drafting stage of CMZ. Traditional fishermen should be involved in the consultation process at local, regional and national level. Representatives of all coastal states should be present at the national level consultative group.

4. Consultation process should be initiated at the panchayat level. In order to make local communities aware of such a notification and to ensure their effective participation, information, education and communication (IEC) materials with reference to CMZ needs to be developed and disseminated widely. This requires more time for communities to participate in such consultation in a meaningful way and give their feedback on the notification.
5. A balance needs to be maintained between traditional and external stakeholders for an effective coastal management in the light of sustainable development including environmental protection. This balance is absent in the CMZ notification making it an environmentally and socially unjust legislation. Hence it needs to be withdrawn immediately and replaced with a meaningful coastal zone plans on the above principles. As such increasing number of various developmental activities like industries, factories, ports, shipping activities, thermal power projects, tourism projects, fertilizer industries along the coast ; thereby increasing coastal pollution have led to the shrinking of marine resources and have affected traditional fishing and related activities day by day. Hence MoEF must prioritize the concerns of the coastal communities and not get influenced by the private interest groups.
6. The CMZ is not as much about protecting the coast as about protecting the human beings and their assets from the fury of the sea. The set back lines under CRZ, 1991 (200 m and 500 m) were intended to create a buffer zone to regulate developmental activities close to shoreline, for minimizing the impact on the coastal ecosystems and to reserve a zone, close to the shoreline for fishery and other related activities which require shorefront facilities. However the set back line mentioned in CMZ notification is only a hazard (vulnerability) line.
7. The CRZ I areas under the CRZ Notification were initially defined as areas where no activities would be permitted until several dilutions in the form of amendments were introduced to change that. The proposed CMZ Notification builds on this regressive trend and allows various activities in these sensitive ecosystems as long as they are recorded in the 'Integrated Coastal Zone Management Plans' (ICZMP).
8. There is no clarity on the management of fishing activity in CMZ and just mentions that there is 'no restriction on fishing and fisheries related activities of local communities'. It does not say anything about the mechanized fishing and other types of fishing. Types of fishing permitted within 24 km (i.e. 12 nautical miles towards sea) should be specified. The fishermen communities fear that once CMZ notification is enforced, the fishing activities in 12 nautical miles would be controlled by Govt. of India and license will be given to foreign mechanized vessels to fish till 10 km of coast .This will result in the loss of livelihood of the local fisher communities. So it is suggested that the permission for fishing in the 12 nautical miles should be controlled by the State Government only. Foreign vessels should not be allowed to fish in coastal zone waters. It is also suggested that it should be clearly spelt out what traditional fishermen can do and can not do within the 12 nautical miles in the sea.

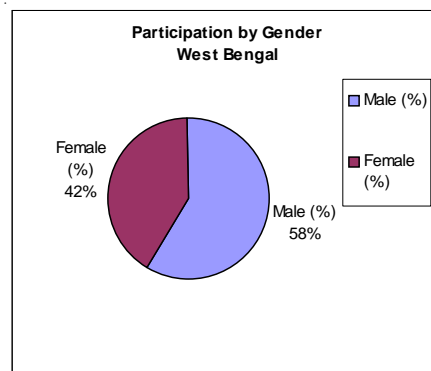
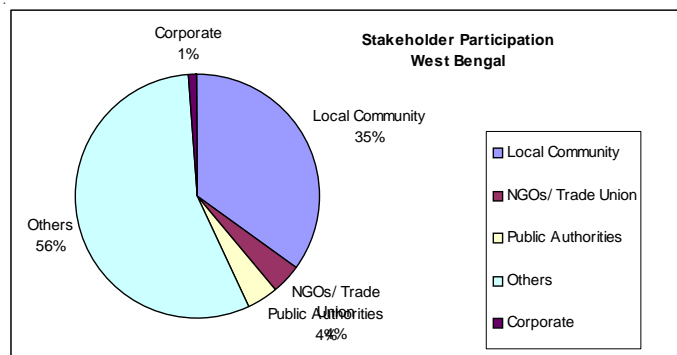
9. The technical aspect of demarcation of 'Setback Line' is not clear. Only some basic parameters are listed. Parameters of vulnerability listed only relate to natural hazards and nothing is actually mentioned about human made hazards.
10. The proposed CZM Notification contains absolutely no monitoring mechanism. The notification just states that the Coastal Zone Management Authorities (CZMAs) at the state and national level are responsible for monitoring the ICZMPs . However, there is no indication of the process and methodology for monitoring.
11. The CMZ does not define clearly the terminologies used in the notification. Without clear definitions, the CMZ I areas cannot be clearly identified or protected. The CMZ has also no proper definitions for the activities it permits or prohibits in the all the CMZ zones (CMZ I,II,III and IV). There is no list anywhere in the notification defining terms/ phrases used such as "foreshore requiring facility" or "basic infrastructure".
12. The local community representatives must have the right to plan developmental activities in their immediate surroundings especially in case of external industrial projects coming up in coastal areas.

West Bengal

No. of consultations : 1 (Dhamakhali in district 24 Parganas covering Sunderban area))

No of participants : 130

Partners : Society for Environment and Development (ENDEV)



Major concerns

On the whole the participants felt that CMZ notification 2008, is not beneficial to the local communities. They have expressed concerns regarding the criteria for categorizing the zones and the management methodology.

Viewpoints

1. Areas falling under CMZ I need to be redefined keeping in view the areas such as Sundarbans with high population density. General conditionality of CMZ I areas should be redefined to avoid general applicability
2. Capacity building of local community should be a major focus under implementation of ICZMPs as lack of public awareness could pose a problem for effective implementation. Also trainings on disaster management and preparedness should be thought of.
3. CMZ notification has not at all considered the strengths of CRZ notification on the other hand will legalise all the violations that have taken place under CRZ so far
4. The definition of 'green field airports' which is added as amendment is not given in the notification. This should be made clear to the public to understand the possible implications
5. The Draft Notification uses the words "sustainable development", "sustainable coastal zone management practices" and "sound scientific principles" which are not clearly defined. There is the danger of misinterpretation if not properly defined.

6. Coastal Zone as per the definition relies on the political boundaries (land ward side) and 12 nautical miles (territorial waters) whereas for ecologically sensitive areas it is entire biological or physical boundaries. But one needs to understand the confluence/interface of water and land as ecologically sensitive, by which the entire area becomes sensitive. 12 nautical miles into the sea is important for functional integrity of the coasts including biodiversity , livelihood resources and reducing in coastal hazards.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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पर्यावरण एवं वन मंत्रालय

अधिसूचना

नई दिल्ली, 21 जुलाई, 2008

का.आ. 1761(अ).—जबकि केन्द्र सरकार, पर्यावरण एवं वन मंत्रालय ने अपनी दिनांक 1 मई, 2008 की अधिसूचना संख्या का.आ. 1070(अ) के अनुसार तटीय प्रबंध जोन के प्रारूप (जहां इसे इसके बाद उक्त अधिसूचना कहा जाएगा) को अधिसूचित किया था जिसमें उक्त अधिसूचना में निहित प्रस्तावों पर उक्त अधिसूचना के जारी होने की तारीख से 60 दिनों की अवधि के भीतर अर्थात् 30 जून, 2008 तक आपत्तियां अथवा सुझाव आर्भाजित किए गए थे;

और जबकि केन्द्र सरकार को राज्य सरकारों तथा स्टैकहोल्डरों की ओर से अनेक अभ्यावेदन और अनुरोध प्राप्त हुए हैं जिनमें आपत्तियां अथवा सुझाव मांगने की समय सीमा को बढ़ाने के लिए कहा गया है;

और जबकि केन्द्र सरकार ने राज्य सरकारों और स्टैकहोल्डरों द्वारा व्यक्त चिंताओं पर विचार करते हुए लोकहित में उक्त अधिसूचना को पुनः प्रकाशित करने तथा इसमें निहित प्रस्तावों से प्रभावित जनता को इस अधिसूचना के पुनः प्रकाशन की तारीख से 60 दिनों की अवधि के भीतर अपने सुझाव और आपत्तियों देने के अवसर प्रदान करने का निर्णय किया है;

अतः अब पर्यावरण (सुरक्षा) नियमावली, 1986 के नियम 5 के उप-नियम (3) के साथ पठित पर्यावरण (सुरक्षा) अधिनियम, 1986, (1986 का 29) की धारा 3 की उप-धारा (2) के खंड (V) और उप-खंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसके फलस्वरूप प्रभावित होने वाली जनता की सूचना के लिए एक अधिसूचना जारी करने का विचार रखती है जो कोस्टल मैनेजमेंट जोन (सी एम जैड) के नाम से जानी जाएगी और एतद्वारा यह सूचना दी जाती है कि उक्त अधिसूचना के प्रारूप पर केन्द्र सरकार द्वारा उक्त अधिसूचना के सरकारी राजपत्र में प्रकाशित होने की तारीख से 60 दिनों की अवधि समाप्त होने की तारीख को और इसके बाद विचार किया जाएगा।

कोई भी व्यक्ति जो अधिसूचना के प्रारूप में निहित प्रस्तावों पर कोई आपत्ति अथवा सुझाव देने का इच्छुक है तो वह इसके लिए विशेष रूप से निर्धारित अवधि में सचिव, पर्यावरण एवं वन मंत्रालय, सी.जी.ओ. काम्प्लैक्स, लोदी रोड, नई दिल्ली-110003 को डाक द्वारा लिखित रूप से अथवा इलैक्ट्रॉनिक माध्यम से ई-मेल एड्रेस : secy@menf.nic.in द्वारा ऐसा कर सकता है।

प्रारूप अधिसूचना

जबकि, पर्यावरण एवं वन मंत्रालय में भारत सरकार ने दिनांक 19 फरवरी 1991 के का.आ. सं० 114 (ई) के तहत के तटीय विनियम जोन अधिसूचना जारी की थी जिसके अंतर्गत तटीय क्षेत्रों को तटीय विनियम जोन घोषित किया गया था और उपर्युक्त जोनों की सुरक्षा के लिए उद्योगों की स्थापना, उनके प्रचालन तथा उद्योग संबंधी क्रियाकलापों पर प्रतिबंध लगाया गया था ;

और जबकि उपर्युक्त अधिसूचना में विभिन्न समितियों, न्यायिक घोषणाओं, राज्य सरकारों, केन्द्रीय मंत्रालयों तथा आम जनता आदि से प्राप्त अभ्यावेदनों के आधार पर समय-समय पर उपर्युक्त अधिसूचना के मूल उद्देश्यों के अनुरूप संशोधन किया गया है ।

और जबकि तटीय क्षेत्रों के सतत विकास तथा तटीय संसाधनों के संरक्षण हेतु इस अधिसूचना के प्रभावी कार्यान्वयन में लगातार आ रही कठिनाइयों को देखते हुए पर्यावरण एवं वन मंत्रालय ने प्रो० एम.एस. स्वामीनाथन की अध्यक्षता में दिनांक 19 जुलाई, 2004 के आदेश सं० 15(8)/2004-आईए-III के तहत एक विशेषज्ञ समिति का गठन किया था । पूर्ववर्ती समितियों के निष्कर्षों और सिफारिशों, न्यायिक घोषणाओं, विभिन्न स्टैकहोल्डरों से प्राप्त अभ्यावेदनों को ध्यान में रखते हुए उक्त अधिसूचना तथा इसमें में किए गए संशोधनों की व्यापक समीक्षा करने के लिए तथा आवश्यक होने पर तटीय जोन प्रबंधन के सुस्थापित वैज्ञानिक सिद्धांतों के अनुरूप तटीय विनियम ढांचा तैयार करने के क्रम में उपर्युक्त संशोधनों का सुझाव देने हेतु इस विशेषज्ञ समिति में पर्यावरणीय कानून, समुद्री जैवविविधता, समुद्री भू-विज्ञान, पर्यावरणीय आर्थिकी, सामाजिक आर्थिकी, दूरसंवेदी, तटीय अभियांत्रिकी, शहरी आयोजना तथा समुद्री मत्स्य पालन से जुड़े क्षेत्रों से संबंधित विशेषज्ञों को शामिल किया गया है ।

और जबकि उपर्युक्त विशेषज्ञ समिति ने फरवरी, 2005 में पर्यावरण एवं वन मंत्रालय को अपनी रिपोर्ट प्रस्तुत कर दी थी । समिति ने मौजूदा विनियम और संस्थागत अवसंरचनाओं को सुदृढ़ करने तथा तटीय जोन के सजीव और निर्जीव संसाधनों में वृद्धि करके, तटीय जीवों की सुरक्षा करते हुए तथा विकट मौराम तथा भू-वैज्ञानिक घटनाओं से उत्पन्न जोखिमों से अवसंरचनाओं की सुरक्षा करते तथा तटीय जनसंख्या की आजीविका को सुनिश्चित करते हुए तटीय संसाधनों के संरक्षण तथा उनके प्रबंधन में सुधार के लिए अन्तरालों को भरने की विशिष्ट सिफारिशें की थीं ।

और जबकि केन्द्र सरकार, पर्यावरण एवं वन मंत्रालय ने उपर्युक्त रिपोर्ट और रिपोर्ट में दी गई सभी सिफारिशों पर ध्यानपूर्वक विचार करने के पश्चात् उन्हें कार्यान्वयन हेतु सिद्धांत रूप से स्वीकार करने का निर्णय किया है।

और जबकि उपर्युक्त निर्णय के अनुसार केन्द्र सरकार का विचार तटीय संसाधनों और तटीय पर्यावरण का संरक्षण और उसकी सुरक्षा करने तथा प्राकृतिक खतरों के कारण तटीय जनसंख्या और अवसंरचनाओं को जोखिम से बचाने और यह सुनिश्चित करने के लिए कि उपर्युक्त तटीय विनियमन जोन अधिसूचनाओं को 1991 के अधिक्रमण के द्वारा तटीय जनसंख्या का अजीविका सुनिश्चित करने तथा तटीय और समुद्री क्षेत्रों में गतिविधियों के प्रबंधन और नियंत्रण हेतु एक नया ढांचा लाने का है।

अतः अब पर्यावरण (सुरक्षा) नियमावली 1986 के नियम 5 के उपनियम (3) के साथ पठित पर्यावरण सुरक्षा अधिनियम 1986 (1986 का 29) की धारा 3 की उपधारा 2 की उपधारा 1 और खंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा दिनांक 19 फरवरी, 1991 के का.आ. 114 (ई) द्वारा प्रकाशित अधिसूचना का अधिक्रमण करते हुए, केवल उन मामलों को छोड़कर जिन्हें उक्त अधिक्रमण से पूर्व निष्पादित किया गया है, अथवा निष्पादित करने के लिए छोड़ दिया गया है, केन्द्र सरकार का उक्त अधिसूचना से प्रभावित होने वाली जनता को सूचित करने के लिए तटीय प्रबंधन जोन (सी एम जैड) अधिसूचना, 2008 जारी करने का विचार है, नामशः -

1. (i) इस अधिसूचना को तटीय प्रबंधन जोन अधिसूचना, 2008 कहा जाए।

(ii) यह अधिसूचना सरकारी राजपत्र में इसके अंतिम रूप से प्रकाशन की तारीख से लागू होगी।

2. उद्देश्य

इस अधिसूचना का उद्देश्य प्राकृतिक आपदाओं के प्रति तट की संवेदनशीलता, स्थानीय समुदायों के लिए सतत जीविका सुरक्षा और पारिस्थितिकीय तथा सांस्कृतिक रूप से महत्वपूर्ण तटीय संसाधनों के संरक्षण को ध्यान में रखकर उचित वैज्ञानिक सिद्धांतों पर आधारित सतत तटीय जोन प्रबंधन प्रणालियों द्वारा तटीय क्षेत्रों और समुद्री पर्यावरण की सुरक्षा और सतत विकास करना है।

3. परिभाषाएं:- इस अधिसूचना में जब तक कि संदर्भ में अन्यथा अपेक्षित न किया गया हो :-

(क) 'तटीय जोन' का तात्पर्य है इसके समुद्र तल, तट के साथ लगा हुआ भू क्षेत्र और इसके तल सहित ज्वार भाटा से प्रभावित अंतर्देशीय जलपिंडों, स्थानीय स्वशासन अथवा समुद्र तट से लगे हुए स्थानीय

प्राधिकरण की लैंड वाई बाउंड्री तक, बशर्ते कि पारिस्थितिकीय और सांस्कृतिक रूप से संवेदनशील क्षेत्रों के मामले में, जैसा कि पर्यावरण सुरक्षा अधिनियम, 1986 के उपबंधों के अंतर्गत निर्धारित किया गया है, उस क्षेत्र की संपूर्ण जैविक और वास्तविक बाउंड्री को शामिल किया जा सकता है, को शामिल करते हुए उस प्रादेशिक जल सीमा (उचित बेसलाइन से नापे गए 12 समुद्री मील) तक का क्षेत्र ।

(ख) ' एकीकृत तटीय जोन प्रबंधन (आई सी जेड एम) ' का तात्पर्य ऐसी प्रक्रिया से है जिसके द्वारा तटीय जनसंख्या के बचाव और तटीय या समुद्री क्षेत्रों की अवसंरचना, सुरक्षा तथा संरक्षण और संसाधन तथा सतत विकास के लिए निर्णय लिए जाते हैं ।

(ग) ' एकीकृत तटीय जोन प्रबंधन योजना ' एकीकृत तटीय जोन प्रबंधन के कार्यान्वयन हेतु तैयार की गई एक लैंडयूज योजना अथवा विकासात्मक योजना है ।

(घ) ' स्थानीय स्वशासन अथवा स्थानीय प्राधिकरण ' का आशय किसी ग्राम पंचायत, अथवा शहरी स्थानीय निकाय अथवा किसी अन्य निकाय अथवा प्राधिकरण से है चाहे उसे किसी नाम से कहा जाए, उसे कानून द्वारा आवश्यक सेवाएं प्रदान करने अथवा नागरिक सेवाओं के नियंत्रण और प्रबंधन के साथ समुद्र तट के साथ बड़े विशिष्ट स्थानीय क्षेत्र अथवा ज्वारीय क्रियाओं वाले इनलैण्ड टाइडल वाटर को हाल ही के लिए शामिल किया है ।

(ङ.) " सैटबैक लाइन का आशय ' समुद्र तल में वृद्धि के प्रति संवेदनशीलता के आधार पर तटीय क्षेत्र के निकट डिमार्क की गई लाइन तथा परिशिष्ट-1 में इस अधिसूचना में दिए गए दिशानिर्देशों के अनुसार बाड़ों और समुद्री लाइन के परिवर्तनों से होगा ;

(च) ' पारिस्थितिकीय रूप से संवेदन ' क्षेत्र पारिस्थितिकीय रूप से संवेदनशील क्षेत्र वे क्षेत्र हैं जो तटीय क्षेत्र की कार्यात्मक अखंडता को बनाए रखने में महत्वपूर्ण भूमिका अदा करते हैं जो कि तटीय खतरों के प्राकृतिक बैरियर के रूप में कार्य करते हैं और अथवा विविध जैवविविधता पैदा कर रहे हैं और जो स्थानीय लोगों को महत्वपूर्ण संसाधन उपलब्ध करवा रहे हैं ।

4. तटीय जोन का वर्गीकरण:- प्रबंधन और विनियमन के उद्देश्य से तटीय जोन को चार श्रेणियों में बांटा जाएगा, नामशः-

(i) तटीय प्रबंधन जोन-1 (सी एम जेड-11) में पारिस्थितिकीय रूप से संवेदनशील क्षेत्रों के रूप में नामोद्विष्ट क्षेत्र शामिल होंगे, एक संकेतात्मक सूची परिशिष्ट-11 में दी गई है ।

(ii) तटीय जोन प्रबंधन जोन-II (सी एम जैड-II) में सी एम जैड I से इतर क्षेत्र और तटीय जल, जिन्हें विशेष महत्व वाले क्षेत्र ' के रूप में पहचाना गया है, जैसे आर्थिक रूप से महत्वपूर्ण क्षेत्र, उच्च जनसंख्या घनत्व वाले क्षेत्र, और सांस्कृतिक और, अथवा रणनीतिक महत्व के क्षेत्र शामिल हैं। इन ' विशेष महत्व वाले क्षेत्रों ' की प्रशासनिक सीमाएं सी.एम.जैड-II की सीमाएं होंगी। ऐसे क्षेत्रों की एक व्यापक सूची परिशिष्ट III में दी गई है।

(iii) तटीय प्रबंधन जोन-III (सी एम जैड-III) में तटीय जल और ज्वार प्रभावित आन्तरिक जल निकाय अर्थात् सी एम जैड-I, II और IV में वर्गीकृत सभी क्षेत्रों को छोड़कर, अन्य सभी खुले क्षेत्र शामिल होंगे।

(iv) (क) तटीय प्रबंधन जोन-IV (सी एम जैड-IV) में अंडमान और निकोबार, लक्षद्वीप के द्वीपीय क्षेत्र और अन्य अपतटीय द्वीपसमूह शामिल हैं।

(ख) तटीय बैकवाटर्स क्षेत्रों में द्वीपसमूहों के संबंध में, जिन्हें सी एम जैड I अथवा सी एम जैड-II क्षेत्र में शामिल नहीं किया गया है, ऐसे क्षेत्रों को स्थानीय प्राधिकरण के विकल्प पर सी.एम.जैड-IV में शामिल किया जा सकता है। विकल्प का एक बार चयन करने के पश्चात् स्थानीय प्राधिकरण को चुनने के लिए कोई बदलाव नहीं किया जाएगा।

5 (i) राष्ट्रीय सतत तटीय जोन प्रबंधन बोर्ड

बोर्ड को जिसमें बत्तीस से अधिक सदस्य नहीं होंगे, का कार्य तटीय जोन प्रबंधन से संबंधित मामलों पर केन्द्र सरकार को नीतिगत सलाह देने का अधिदेश होगा परंतु यह विनियामक कार्य शुरू नहीं करेगा। बोर्ड का गठन परिशिष्ट IV में दिए गए अनुसार होगा। बोर्ड के गैर-सरकारी सदस्यों का कार्यकाल मात्र तीन वर्ष होगा।

(ii) राष्ट्रीय और राज्य अथवा केन्द्र शासित प्रदेश प्रबंधन प्राधिकरण : पर्यावरण (सुरक्षा) अधिनियम, 1986 के अंतर्गत स्थापित राष्ट्रीय और राज्य अथवा केन्द्र शासित प्रदेश तटीय जोन प्रबंधन प्राधिकरण तटीय जोन प्रबंधन प्राधिकरण होंगे।

6. प्रबंधन कार्य प्रणाली :- तटीय जोन के लिए प्रबंधन की कार्य प्रणाली और एप्रोच निम्न अनुसार होगी

(i) सेट बैक लाइन की अधिसूचना : केन्द्र सरकार द्वारा केडास्ट्राल मैप पर सी एम जैड-I और सी एम जैड-IV के अलावा पूरे तट के लिए सेट बैक लाइन एक अथवा अधिक स्थानों पर एक बार ही अधिसूचित की जाएगी। इसके लिए केन्द्र सरकार परिशिष्ट -I में दिए गए दृष्टिकोण के आधार पर

विस्तृत तकनीकी दिशानिर्देश जारी करेगी। यह अधिसूचना भू सर्वेक्षणों और मैपिंग में विशेषज्ञता रखने वाले ऐसे सक्षम और स्थापित वैज्ञानिक संस्थानों द्वारा तैयार की गई रूपरेखा पर आधारित होगी, जिन्हें केन्द्र सरकार द्वारा अधिसूचित किए जाने वाले ऐसे संस्थानों के सेट में शामिल किया गया हो। तब तक स्थानीय प्राधिकरण के अंतर्गत क्षेत्र के बारे में सैटबैक लाइन पर तटीय जोन प्रबंधन अधिसूचना 1991 के उपबंध के अंतर्गत केन्द्र सरकार द्वारा अधिसूचित इन तकनीकी दिशानिर्देशों के अनुसार लागू होंगे।

- (ii) **तटीय प्रबंधन जोन-** परिशिष्ट-II में दी गई प्रजाति सूची के अनुसार तटीय जोन में पारिस्थितिकीय रूप से संवेदनशील क्षेत्रों की पहचान केन्द्र सरकार द्वारा संबंधित राज्य सरकार अथवा केन्द्र शासित प्रदेश प्रशासन के साथ संयुक्त रूप से नेशनल इंस्टीट्यूट फॉर सस्टेनेबल कोस्टल जोन मैनेजमेंट अथवा तटीय संसाधन प्रबंधन में विशेषज्ञता रखने वाले और केन्द्र सरकार द्वारा अधिसूचित एक अथवा अधिक सक्षम एवं स्थापित वैज्ञानिक अनुसंधान संस्थानों द्वारा उपलब्ध कराई गई तकनीकी सहायता से की जाएगी। सीएमजेड-1 क्षेत्रों में राष्ठी क्रियाकलाप नेशनल इंस्टीट्यूट ऑफ सस्टेनेबल कोस्टल जोन मैनेजमेंट या तटीय संसाधन प्रबंधन में विशेषज्ञता रखने वाले तथा केन्द्र सरकार द्वारा अधिसूचित एवं पर्यावरण (सुरक्षा) अधिनियम, 1986 के अंतर्गत अधिसूचित एक या अधिक सक्षम और स्थापित वैज्ञानिक अनुसंधान संस्थानों की सहायता से तैयार किए जाने वाले एक एकीकृत तटीय जोन प्रबंधन योजना (आई सी जेड एम पी) के आधार पर राज्य अथवा संबंधित केन्द्र शासित कोस्टल जोन मैनेजमेंट अथॉरिटी द्वारा विनियमित की जाएगी। सी एम जेड-1 क्षेत्रों के लिए तैयार की गई इंटीग्रेटेड कोस्टल जोन मैनेजमेंट योजना केन्द्र सरकार द्वारा समर्थित की जाएगी। तैयार की गई आई सी जेड एम पी, स्थानीय समुदायों की सुरक्षा और आजीविका आवश्यकताओं और आवश्यक विकास को ध्यान में रखकर पारिस्थितिकीय रूप से संवेदनशील अधिसूचित क्षेत्रों की उचित सुरक्षा और संरक्षण सुनिश्चित करेंगी। उस क्षेत्र में रहने वाले स्थानीय समुदायों को मछली पकड़ने और मत्स्य पालन संबंधी कार्य में कोई बाधा उत्पन्न नहीं होगी। राज्य सरकार अथवा केन्द्र शासित प्रदेश प्रशासन द्वारा आई सी जेड एम पी के कार्यान्वयन की मानीटरी, संबंधित राज्य या यूनियन टेरिटरी कोस्टल जोन मैनेजमेंट अथॉरिटी और नेशनल कोस्टल जोन मैनेजमेंट अथॉरिटी द्वारा की जाएगी।

बशर्ते कि ग्रीन फील्ड एयरपोर्ट के विकास और वर्तमान एयरपोर्ट के विस्तार और आधुनिकीकरण से संबंधित परियोजनाओं को तटीय पर्यावरणीय हानि की पूर्ति के लिए पर्याप्त पर्यावरणीय सुरक्षा

उपाय शामिल करके विस्तृत वैज्ञानिक अध्ययन के आधार पर मामला दर मामला आधार पर शुरू किया जाएगा ।

(iii) तटीय विनियमन जोन-II। तटीय नगर पालिकाओं अथवा निगमों के क्षेत्रों में और 400 से अधिक व्यक्ति प्रति वर्ग कि०मी० से अधिक जनसंख्या घनत्व वाली तटीय पंचायतों की प्रशासनिक सीमाओं में आने वाले क्रियाकलापों को केन्द्रीय सरकार से अनुमोदित एक एकीकृत तटीय जोन प्रबंधन योजना के आधार पर विनियमित किया जाएगा । उपरोक्त प्रशासनिक सीमाओं में सैटबैक लाइन से समुद्र की ओर प्रस्तावित गतिविधियों को यह सुनिश्चित करने के लिए विनियमित किया जाएगा कि तट के लिए आवश्यक सुविधाओं और आधारभूत अवसंरचना के अतिरिक्त कोई अन्य विकास कार्य नहीं किया जाएगा ।

सैटबैक लाइन से भूमि की ओर विकास कार्य को इस अधिसूचना के दिन मौजूद स्थानीय टाउन एंड कन्ट्री प्लानिंग नियमों के अनुसार किया जाएगा । उपरोक्त क्षेत्रों के लिए तैयार की गई एकीकृत तटीय जोन प्रबंधन योजना में परिशिष्ट-V में दिए गए दिशा-निर्देशों का ध्यान रखा जाएगा ।

संबंधित राज्य अथवा संघ शासित प्रदेश सरकार द्वारा पहचाने गए आर्थिक रूप से और सांस्कृतिक रूप से महत्वपूर्ण क्षेत्रों के संबंध में कार्यों के लिए तैयार की गई एकीकृत तटीय जोन प्रबंधन योजना के अनुसार विनियमित किया जाएगा । एकीकृत तटीय जोन प्रबंधन योजना को केन्द्रीय सरकार के अनुमोदन के पश्चात् संबंधित राज्य अथवा संघ शासित प्रदेश सरकार द्वारा क्रियान्वित किया जाएगा ।

रणनीतिक रूप से महत्वपूर्ण क्षेत्रों के संबंध में, रक्षा मंत्रालय एक एकीकृत तटीय जोन प्रबंधन योजना तैयार करेगा और पर्यावरण एवं वन मंत्रालय को प्रस्तुत करेगा । ऐसी योजनाओं को केन्द्रीय सरकार द्वारा गठित एक विशेष समिति द्वारा मंजूरी प्रदान की जाएगी ।

(iii) तटीय प्रबंधन जोन-III : सैटबैक लाइन से समुद्र की ओर अनुमत अथवा प्रतिबंधित विविध गतिविधियां और उत्तरदायी अभिकरण परिशिष्ट-VI में दिए गए हैं । सैटबैक लाइन से समुद्र की ओर मौजूदा रिहायशी इकाइयों और मौजूद अन्य अवसंरचनाओं को डिस्टर्ब/पुनः स्थापित नहीं किया जाएगा। पारम्परिक समुदायों द्वारा मछली पकड़ने से संबंधित किसी भी कार्य में व्यवधान नहीं डाला जाएगा।

- (iii) **तटीय प्रबंधन जोन-IV :** सभी गतिविधियां अनुमोदित एकीकृत तटीय जोन प्रबंधन योजना के अनुरूप होंगी, जिन्हे प्रत्येक मामले में संबंधित राज्य अथवा संघ शासित प्रदेश तटीय जोन प्रबंधन प्राधिकरण द्वारा निर्धारित किया जाएगा। एकीकृत तटीय जोन प्रबंधन योजनाएं तैयार करते समय यह सुनिश्चित किया जाएगा कि प्रवालों, कच्छ वनस्पतियों, संकटापन्न प्रजातियों के प्रजनन और अण्डजनन क्षेत्रों में स्थानीय समुदायों के लिए आवश्यक न्यूनतम अनिवार्य गतिविधियों के अतिरिक्त किसी विकास कार्य की अनुमति नहीं दी जाएगी।

7 तटीय विनियमन जोन अधिसूचना, 1991 का प्रचालन :

तटीय विनियमन जोन अधिसूचना, 1991 निम्नलिखित में कार्य करना बंद कर देगी :

- (क) सी एम जेड-I क्षेत्र में, संबंधित एकीकृत तटीय जोन प्रबंधन योजना की अधिसूचना की तारीख से।
- (ख) सी एम जेड-II क्षेत्र में, सेटबैक लाइन और एकीकृत तटीय जोन प्रबंधन योजना की अधिसूचना की तारीख से।
- (ग) सी एम जेड-III क्षेत्र में, सेटबैक लाइन की अधिसूचना की तारीख से।
- (घ) सी एम जेड-IV क्षेत्र में, संबंधित आई सी जैड एम पी की अधिसूचना की तारीख से।

परिशिष्ट-I

सेटबैक लाइन

तटीय प्रबंधन जोनों में सी एम जैड-I, II और III के रूप में वर्गीकृत सेटबैक लाइनें, तटों के प्राकृतिक और मानवजनित खतरों की नाजुकता पर आधारित होंगी। इस प्रक्रिया का कई देशों में अनुसरण किया जाता है, जहां पर तटों को तटीय खतरों की नाजुकता के लिए मानचित्रित किया गया है।

तटों की नाजुकता के मानचित्रण के उद्देश्य से: ऊंचाई, भू-आकृतिविज्ञान, समुद्र स्तरीय रुझान और क्षैतिज तटरेखा विस्थापन (वृद्धि या अपरदन) चार मानदंडों को ध्यान में रखा जाता है। सेटबैक लाइन का निर्धारण करने के लिए विचार किए जाने वाले प्रत्येक मानदंड पर संक्षिप्त विवरण नीचे दिया गया है :

- (i) **एलिवेशन** : एलिवेशन डाटा उपलब्ध तटीय टोपोग्राफी से प्राप्त किया जाएगा और उपग्रह डाटा 0.5 और 1 मीटर की रूपरेखा वाले फासलों का सर्वेक्षण करता है ।
- (ii) **जियोमोर्फोलॉजी** : उपलब्ध टोपोग्राफी और दूर संवेदी डाटा पर आधारित मानचित्रों के आधार पर भूमि की पहचान की जाएगी ।
- (iii) **समुद्र स्तरीय ट्रेन्ड** : समुद्र स्तरीय ट्रेन्ड डाटा जलवायु परिवर्तन पर संयुक्त राष्ट्र अंतर सरकारी पैनल (आई.पी.सी.सी.) की रिपोर्टों पर आधारित होगा ।
- (iv) **समतल समुद्र तटीय विस्थापना** : समतल समुद्र तटीय विस्थापन का कटाव या अभिवृद्धि संबंधी डाटा भारतीय टोपोग्राफिक मानचित्रों के सर्वेक्षण (1967) और नवीन उपग्रह डाटा से प्राप्त दीर्घकालीन सूचना से प्राप्त किया जाएगा। समतल समुद्र तटीय विस्थापना को आगामी 100 वर्षों तक के (मीडियन अनुमान) पर आंकलित किया जाएगा ।

सेटबैक लाइन की रूपरेखा के लिए आगे विस्तृत तकनीकी दिशानिर्देश केन्द्रीय सरकार, पर्यावरण और वन मंत्रालय द्वारा दिए जाएंगे ।

इस अधिसूचना के जारी होने की तारीख से 2 वर्ष की अवधि में मंत्रालय द्वारा प्राधिकृत किसी अन्य एजेंसी या एन.आई.एस.सी.एम. द्वारा कडस्ट्रल स्केल पर सी.एम.जैड-II और III क्षेत्रों के लिए मंत्रालय द्वारा अनुमोदित दिशानिर्देशों का इस्तेमाल करते हुए उपर्युक्त पैरामीटरों पर आधारित सेटबैक लाइन की सीमा का निर्धारण किया जाएगा ।

परिशिष्ट - II

सी एम जैड - I पारिस्थितिकीय संवेदी क्षेत्रों (ई.एस.ए.) को दर्शाने वाली सूची

- (i) गर्म जलवायु वाले वृक्ष (मैंग्रोव)
- (ii) कौरल रीफ
- (iii) रॉड
- (iv) मडफ्लैट्स
- (v) वन्यजीव (संरक्षण) अधिनियम, 1972 के अंतर्गत रामुद्री वन्यजीव संरक्षित क्षेत्र
- (vi) समुद्री कटावों (क्रीक), झीलों आदि जैसे तटीय स्वच्छ जल क्षेत्र
- (vii) साल्ट मार्शज

- (viii) टरटल नेस्टिंग ग्राउंड ।
- (ix) हार्स शू क्रेव निवास स्थल ।
- (x) समुद्री घास सतह ।
- (xi) समुद्री घास -पात वाली सतह ।
- (xii) पक्षियों के घोंसलों वाले स्थल ।

परिशिष्ट-III

सी एम जैड- II : विशिष्ट महत्वपूर्ण क्षेत्रों को दर्शाने वाली सूची

- (क) तटीय नगर पालिका/ निगम (समग्र विनिर्दिष्ट क्षेत्र)
- (ख) नवीनतम भारतीय जनगणना के अनुसार 400 व्यक्ति प्रति वर्ग कि० मी० से अधिक जनसंख्या घनत्व वाली तटीय पंचायते ।
- (ग) पत्तन और बन्दरगाह ।
- (घ) विनिर्दिष्ट पर्यटन क्षेत्र ।
- (ङ.) खनन क्षेत्र ।
- (च) विनिर्दिष्ट औद्योगिक सम्पदाएं ।
- (छ) विशेष आर्थिक जोन के लिए तटग्र सुविधाएं ।
- (ज) विरासत क्षेत्र ।
- (झ) संरक्षित स्मारक अधिनियम के अंतर्गत विनिर्दिष्ट पुरातत्वीय क्षेत्र
- (ट) रक्षा क्षेत्र / संस्थापना ।
- (ठ) ऊर्जा संयंत्र ।
- (ड) ग्रीन फील्ड विमानपत्तन तथा मौजूदा विमानपत्तनों का विस्तार तथा आधुनिकीकरण ।

परिशिष्ट-iv

सतत तटीय क्षेत्र प्रबंधन के लिए राष्ट्रीय बोर्ड का गठन

- | | | | |
|----|---|---|-------------|
| 1) | केन्द्रीय मंत्री, पर्यावरण और वन | - | अध्यक्ष |
| 2) | केन्द्रीय मंत्री, प्रभारी पृथ्वी विज्ञान मंत्रालय | - | सह- अध्यक्ष |
| 3) | सचिव, पर्यावरण और वन मंत्रालय | - | सदस्य सचिव |
| 4) | विशेषज्ञ (नाम से) निम्नलिखित क्षेत्र में : | | |
| | तटीय पारि-प्रणालियों में | - | 1 |

	समुद्र जीवविज्ञान	-	1
	समुद्र संबंधी कानून	-	1
	मौसम विज्ञान	-	1
	आपदा प्रबंधन	-	1
	पर्यावरणीय अर्थशास्त्र	-	1
5.	राष्ट्रीय महिला आयोग के प्रतिनिधि	-	1
6.	रक्षा मंत्रालय के प्रतिनिधि	-	1
7.	भारतीय अंतरिक्ष अनुसंधान संगठन के प्रतिनिधि	-	1
8.	शहरी विकास मंत्रालय के प्रतिनिधि	-	1
9.	पंचायती राज मंत्रालय के प्रतिनिधि	-	1
10.	मुख्य भूमि तटीय जनसंख्या के सामुदायिक आधारित संगठनों के प्रतिनिधि	-	3
11.	मछुआरों के प्रतिनिधि (1 पुरुष और 1 महिला)	-	2
12.	एक्वाकल्चर, पर्यटन, उद्योगों, खनन, तटों, क्षेत्रों के प्रतिनिधि	-	4
13.	तटीय ग्रामीण जिला पंचायतों के प्रतिनिधि	-	3
14.	तटीय शहरी स्थानीय प्राधिकरणों के प्रतिनिधि	-	3
15.	अंदमान और निकोबार और लक्षद्वीप द्वीप समूहों के प्रतिनिधि	-	3

परिशिष्ट-V

सी एम जेड II क्षेत्रों के लिए समेकित प्रबंध योजना को तैयार करने के लिए दिशानिर्देश

- (i) समूचा अधिसूचित निगम, नगर पालिका, पंचायत, राजस्व क्षेत्र, ए जी सी की बाहरी चाहरदीवारी होगी।
- (ii) सभी वर्तमान और भविष्य के विकास, संरक्षण और संवर्धन स्कीमों को दर्शाते हुए इन क्षेत्रों के लिए आई सी जेड एम पी तैयार किया जायेगा।
- (iii) आई सी जेड एम पी, पर्यावरण और वन मंत्रालय द्वारा तैयार किये गए सेटबैक लाइनों के आधार पर मानव जीवन और संपत्ति के प्रति अतिसंवेदनशीलता का समाधान करेगा।
- (iv) क्षेत्र में किसी मौजूदा अनुमोदित इमारत(2008 तक) की समुद्रतली दिशा अथवा कोणतार से बनी अथवा सतही मार्ग पर किसी निर्माण गतिविधि को अनुमति किया जायेगा।
- (v) अंदरूनी मार्गों सहित सभी मौजूदा मार्गों को मजबूत बनाया जायेगा क्योंकि ये मार्ग विशेषरूप से मछुआरा समुदायों के आजीविका संचार, राहूत और निकासी उपायों के प्रयोजनों को पूरा करेंगे।

- (vi) क्षेत्र की जनसंख्या को ध्यान में रखते हुए समुचित चक्रवाती आश्रय स्थलों का निर्माण किया जाना चाहिए ।
- (vii) नए स्कूलों, बाजारों और अन्य लोक सुविधाओं वाली जगहों को जहां अधिक संख्या में लोग एकत्रित होते हैं, संवेदनशील इलाकों से दूर रखा जाए ।
- (viii) समुद्राभिमुख क्षेत्र के आस-पास कच्छ वनस्पति सहित स्थानीय वनस्पति वाला पर्याप्त जैव-शील्ड पेड़ उगाए जाने चाहिए ।
- (ix) समुद्र-तटों पर कोई विकास न किया जाए ।
- (x) वैज्ञानिक आधार पर जहां भी आवश्यक हो, उपयुक्त तटीय सुरक्षा ढांचे बनाए जाएं ।
- (xi) सेटबैक-रेखा के लैन्डवर्ड पर नए घर तथा बस्तियाँ नियोजित की जानी चाहिए ।
- (xii) झाड़ियों को उगाकर अथवा उपयुक्त उपायों के माध्यम से, आपदा की स्थिति में प्राकृतिक गति अवरोधक के रूप में रेत के टीले बनाए अथवा पुनः स्थापित किए जाने चाहिए ।
- (xiii) सी एम जेड I के रूप में पर्यावरण एवं वन मंत्रालय द्वारा अधिसूचित सभी क्षेत्रों को उनके संरक्षण के लिए योजना में स्पष्टतः सीमांकित किया जाना चाहिए ।
- (xiv) आई सी जेड एम पी, मंत्रालय के प्रस्तावित एन आई एस सी एम द्वारा या मंत्रालय द्वारा अनुमोदित किसी अन्य प्राधिकरणों द्वारा अनुमोदित होंगे ।
- (xv) मछली पकड़ने और मात्स्यिकी, से संबंधित सभी कार्य-कलापों के बारे में कोई विनियामक नहीं होना चाहिए ।
- (xvi) प्रवर्तन और मानीटरी की जिम्मेदारी, संबंधित राज्य अथवा संघ क्षेत्र तटीय जोन प्रबंधन प्राधिकरण की होगी ।

परिशिष्ट -VI

सी एम जेड III: सेटबैक लाइन में समुद्राभिमुख क्षेत्र में अनुमित विकासात्मक कार्यकलाप

(i) सी एम जेड स्वीकृति के बिना स्थानीय अथवा संबंधित प्राधिकरणों द्वारा अनुमत कार्य-कलाप

- (क) नौका-विहार, पोत-परिवहन और नौयात्रा
- (ख) परम्परागत मत्स्य प्रसंस्करण, आईस प्लांटों और आईस क्रशिंग सुविधाओं सहित मात्स्यिकी
- (ग) हेल्थरिस और परम्परागत एक्वाक्लचर सहित समुद्रीविज्ञान
- (घ) कृषि और उद्यान कृषि
- (ङ) जन शौचालय और वर्षा अथवा चक्रवाती आश्रय स्थल
- (च) पुनः निर्माण कार्यकलापों सहित मौजूदा भवनों अथवा अवसंरचना की मरम्मत

(ii) राज्य अथवा संघ शासित तटीय क्षेत्र प्रबंधन प्राधिकरण के अनुमोदन से किए जाने वाले कार्यकलाप ।

- (क) पर्यावरणीय प्रभाव मूल्यांकन के साथ अनुमोदित किए जाने, वाली वोट जेटीस (नाव घाटों) और मछली पकड़ने के लिए बन्दरगाहों का निर्माण ।
- (ख) साल्टपेन्स- समुद्री जल के सौर वाष्पीकरण द्वारा नमक बनाना ।
- (ग) पर्यटन सुविधाओं के लिए अस्थायी निर्माण ।
- (घ) वाटर स्पोर्ट्स और मनोरंजन सुविधाएं ।
- (ङ.) मानदण्डों का अनुपालन करते हुए उपचारिक बहिःस्रावों की निस्तारण सुविधाएं ।
- (च) वन संबंधी कार्यकलाप ।
- (छ) मरम्मत और री-फ्यूलिंग सहित नाव निर्माण ।

(iii) कार्यकलाप जो पर्यावरणीय प्रभाव मूल्यांकन और पर्यावरणीय प्रबंधन योजना कार्यों के साथ अनुज्ञेय हो सकते हैं, को पर्यावरण एवं वन मंत्रालय द्वारा अनुमोदित किया जाना है ।

- (i) एकीकृत पत्तन, बंदरगाह, घाट और लग्नर सुविधाएं ।
- (ii) तलकषण और तलकषण सामग्रियों का निपटान ।
- (iii) पत्तन सीमाओं और तटीय सुरक्षा के लिए सुधार ।
- (iv) कच्छ वनस्पतियों और अन्य बायोशील्ड्स सहित तटीय सुरक्षा उपाय ।
- (v) पुलों और सतुद्री संपर्क और पहुंच मार्गों का सुधार ।
- (vi) तटीय अपरदन, लवणीय प्रवेश को रोकने के उद्देश्य के लिए बांध बनाना और जलमार्गों का रखरखाव ।
- (vii) हाइड्रो कार्बन अन्वेषण और निष्कर्षण ।
- (viii) प्लेसर खनिजों का खनन और अपतटीय ।
- (ix) संप्रेषण, विद्युत लाइटहाऊसों और जल पूर्ति का विनिर्माण
- (x) पेट्रोलियम अथवा रसायनों के हस्तांतरण के लिए पाइपलाइन, पेट्रोलियम अथवा रसायन उत्पादों के भंडारण के लिए भंडारण सुविधाएं और पुनः गैसीकरण सुविधाएं ।
- (xi) रक्षा संबंधित परियोजनाएं ।
- (xii) जहाज निर्माण यार्ड्स ।
- (xiii) मौजूदा स्थलों में शिप-ब्रेकिंग ।
- (xiv) विडंमिल्स सहित अपारम्परिक ऊर्जा ।

- (xv) कोई अन्य कार्यक्रम जिसमें तटग्र सुविधाएं अपेक्षित हों ।
- (xvi) ग्रीन फील्ड विमानपत्तन तथा मौजूदा विमानपत्तनों का विस्तार और आधुनिकीकरण ।
- (xvii) अन्य सभी कार्यक्रम जो ऊपर सूचीबद्ध नहीं हैं, प्रतिबंधित हैं ।

[फा. सं. 11-83/2005-आईए-III]

डॉ. नलिनी भट्ट, वैज्ञानिक 'जी'

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 21st July, 2008

S.O. 1761(E).—Whereas the Central Government in the Ministry of Environment and Forests had vide its notification No. S.O. 1070(E) dated the 1st May, 2008 notified a draft Coastal Management Zone (hereinafter referred to as the said notification) inviting objections or suggestions on the proposals contained in the said notification in writing within a period of sixty days from the date of issue of the said notification, i.e., till the 30th June, 2008;

And whereas the Central Government has now received many representations and requests from the State Governments including the stakeholders for extending the time limit for seeking objections or suggestions;

And whereas the Central Government while considering the concerns expressed by the State Governments and stakeholders, have decided in the public interest to go for re-publishing the said notification and giving opportunity to the public affected thereby in making objections and suggestions on the proposals contained therein with in a period of sixty days from the date of re-publication of this notification;

Now, therefore, 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) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government proposes to issue a notification to be known as the Coastal Management Zone (CMZ) Notification, 2008, for the information of the public likely to be affected thereby and notice is hereby given that the said draft Notification will be taken into consideration by the Central Government on and after the expiry of sixty days from the date of publication of said notification in the Official Gazette.

Any person interested in making any objections or suggestions on the proposals contained in the draft Notification may do so in writing within the period so specified through post to the Secretary, Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi-110003, or electronically at e-mail address: secy@menf.nic.in.

"Draft Notification

Whereas the Central Government in the Ministry of Environment and Forests issued the Coastal Regulation Zone Notification vide No. S.O.114(E) dated the 19th February 1991, under which coastal stretches were declared Coastal Regulation Zones (CRZ) and restrictions were imposed on the setting up and expansion of industries, operations and processes in the said Zones for its protection ;

And whereas the said notification has been amended from time to time based on recommendations of various committees, judicial pronouncements, representations from State Governments, Central Ministries, and the general public, etc., consistent with the basic objective of the said Notification;

And whereas perceiving the continuing difficulties posed by the Notification in its effective implementation for the sustainable development of coastal regions as well as conservation of coastal resources, the Ministry of Environment and Forests constituted an Expert Committee vide Order No.15(8)/2004-IA-III, dated the 19th July, 2004 under the Chairmanship of Prof. M. S. Swaminathan, with experts in the areas of environmental law, marine biodiversity, marine geology, environmental economics, socio-economics, remote sensing, coastal engineering, urban planning, and marine fisheries to carry out a comprehensive review of the said Notification including all its amendments in the light of findings and recommendations of previous Committees, judicial pronouncements, representations of various stakeholders, and suggest suitable amendments, if necessary, to make the coastal regulatory framework consistent with well established scientific principles of Coastal Zone Management;

And whereas the above Expert Committee had submitted its report to the Ministry of Environment and Forests in February, 2005 containing specific recommendations to build on the strengths of existing regulations and institutional structures and fill gaps for conservation and improving the management of the coastal resources by enhancing the living and non-living resources of the coastal zone; by ensuring protection to coastal populations and structures from risk of inundation from extreme weather and geological events; and by ensuring that the livelihood security of coastal populations is strengthened;

And whereas the Central Government in the Ministry of Environment and Forests after carefully considering the above report and all the recommendations made therein have decided to accept them in principle for implementation;

And whereas in accordance with the above decision, the Central Government proposes to bring into force a new framework for managing and regulating activities in the coastal and marine areas for conserving and protecting the coastal resources and coastal environment; and for ensuring protection of coastal population and structures from risk of inundation due to natural hazards; and for ensuring that the livelihoods of coastal populations are strengthened; by superseding the said Coastal Regulation Zone, Notification, 1991;

And whereas, in addition to the above the Central Government has decided to consider the proposal for developing green field airports and to undertake expansion and modernisation of existing airports in the coastal areas, without compromising environmental considerations;

Now, therefore, 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) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification published vide S.O.114(E) dated the 19th February, 1991, except as respects things done or omitted to be done before such supersession, the Central Government proposes to issue a notification to be known as the Coastal Zone Management (CMZ) notification, 2008, namely:—

1. (i) This notification may be called the Coastal Management Zone Notification, 2008.

(ii) It shall come into force on the date of its final publication in the Official Gazette.

2. Objective.-

The Objective of this Notification is protection and sustainable development of the coastal stretches and marine environment through sustainable coastal zone management practices based on sound scientific principles taking into account the vulnerability of the coast to natural hazards, sustainable livelihood security for local communities, and conservation of ecologically and culturally significant coastal resources.

3. Definitions.- In this Notification, unless the context otherwise requires,-

(a) "Coastal Zone" means the area from the territorial waters limit (12 nautical miles measured from the appropriate baseline) including its sea bed, the adjacent land area along the coast, and inland water bodies influenced by tidal action including its bed, upto the landward boundary of the local self government or local authority abutting the sea coast, provided that in case of ecologically and culturally sensitive areas, the entire biological or physical boundary of the area may be included, as specified under the provisions of Environment Protection Act, 1986;

(b) **"Integrated Coastal Zone Management (ICZM)"** means a process by which decisions are made for protection of coastal population and infrastructure, protection and conservation of coastal and marine areas and resources and sustainable development;

(c) **"Integrated Coastal Zone Management Plan (ICZMP)"** is the landuse plan or development plan prepared for implementation of the Integrated Coastal Zone Management;

(d) **"Local Self Government or Local Authority"** means a village Panchayat, or a urban local body, or any other body or authority, by what ever name called, for the time being invested by law, for rendering essential services or, with control and management of civic services, within a specified local area abutting the sea coast or inland tidal water having tidal action.

(e) **"Setback Line"** means a line demarcated along the coast, based on its vulnerability to sea-level rise, flooding and shore line changes as per Guidelines given in this notification in Appendix -I.

(f) **"Ecologically Sensitive Areas"** are those areas of the coastal zone that play an important role in maintaining the functional integrity of the coast, including acting as natural barriers to coastal hazards and, or harbouring a diverse biodiversity that provide valuable resources to local communities.

4. Categorization of the Coastal Zone.- For the purposes of management and regulation, the coastal zone shall be divided into four categories, namely:-

(i) Coastal Management Zone - I (CMZ - I) shall consist of areas designated as Ecologically Sensitive Areas (ESA), an indicative list is given in Appendix -II.

(ii) Coastal Management Zone - II (CMZ - II) shall consist of areas, other than CMZ - I and coastal waters, identified as "Areas of Particular Concern (APC)" such as economically important areas, high population density areas, and culturally and, or strategically important areas. The administrative boundaries of these "Areas of Particular Concern" would be boundaries of CMZ - II. A generic list of such areas is given in Appendix -III.

(iii) Coastal Management Zone -III (CMZ - III) shall consist of all other open areas including coastal waters and tidal influenced inland water bodies, that is, all areas excluding those classified as CMZ - I, II and IV.

(iv) (a) Coastal Management Zone -IV (CMZ - IV) shall consist of island territories of Andaman and Nicobar, Lakshadweep, and other offshore islands.

- (b) In respect of the islands in coastal backwaters areas which are not included in CMZ - I or CMZ - II, such areas may be included in CMZ - IV at the option of the Local Authority; otherwise they would be included in CMZ - III. Once exercised, the option of the Local Authority would not be subject to change.

5. (i) National Board for Sustainable Coastal Zone Management.-

This Board consisting of not more than thirty two Members shall have the mandate to provide policy advice to the Central Government on matters relating to coastal zone management, but shall not undertake regulatory functions. The composition of the Board shall be as given in Appendix - IV. The term of the non-official members of the Board shall be three years only.

(ii) National and State or UT Coastal Zone Management Authorities

The National and State or Union territory Coastal Zone Management Authorities set up under the Environment (Protection) Act, 1986, shall be the Coastal Zone Management Authorities.

6. Management Methodology.- The management methodology and approach for the Coastal Management Zone shall be as follows:

- (i) **Notification of the Setback Line:** The Setback Line, for the entire coast, excluding CMZ-I and CMZ - IV areas, will be notified in one or more stretches at a time in a map on cadastral scale by the Central Government. For this purpose, the Central Government shall issue detailed technical guidelines, based on the approach set forth in Appendix - I. The notification shall be based on the delineation to be carried out by the competent and established scientific institutions specializing in earth surveys and mapping, among a set of such institutions to be notified by the Central Government. Till the Setback Line in respect of area under each local authority as per these technical guidelines is notified by the Central Government the provisions of the Coastal Regulation Zone Notification, 1991 shall prevail.

- (ii) **Coastal Management Zone - I :** The ecologically sensitive areas as per generic list given in Appendix - II shall be identified within the coastal zone by the Central Government jointly with the concerned State Government or Union territory Administration, with the technical assistance provided by the National Institute for Sustainable Coastal Zone Management or one or more competent and established scientific research institutions specializing in coastal resources management, and notified by the Central Government. All activities in CMZ - I areas shall be regulated by the State or Union territory Coastal Zone Management Authority concerned on the

basis of an Integrated Coastal Zone Management Plan (ICZMP) to be prepared by the concerned State or Union territory Administration with the help of National Institute of Sustainable Coastal Zone Management or one or more competent and established scientific research institutions specializing in coastal resources management, and notified by the Central Government and notified under Environment (Protection) Act, 1986. The Integrated Coastal Zone Management Plans prepared for CMZ-I areas would be endorsed by the Central Government. The ICZMPs prepared shall ensure proper protection and conservation of all ecological entities within the notified ecologically sensitive areas keeping in view the safety and livelihood needs of the local communities and essential development. There shall be no restriction in the fishing and fisheries related activities of local communities living in the area. The implementation of the ICZMPs by the State Government or Union territory Administration shall be monitored by the concerned State or Union territory Coastal Zone Management Authority and by the National Coastal Zone Management Authority.

Provided that the projects pertaining to the development of green field airports and expansion and modernisation of existing airports shall be undertaken on case to case basis based on detailed scientific study incorporating adequate environmental safeguard measures required for neutralising damage to the coastal environment.

(iii) Coastal Management Zone – II: In the administrative boundaries of areas of the Coastal Municipalities or Corporation and coastal Panchayat with population density of more than 400 persons per sq. km, activities shall be regulated based on an Integrated Coastal Zone Management Plan approved by the Central Government. The activities proposed on the seaward side of the setback line in the above administrative boundaries shall be regulated to ensure that no further development takes place other than foreshore requiring facilities and basic infrastructure.

The development on the landward side of the setback line shall be as per the local town and country planning rules as existed on the day of this notification. The Integrated Coastal Zone Management Plan prepared for the above areas shall take into account the guidelines laid down in Appendix-V.

With regard to economically and culturally important areas as identified by the concerned State or Union territory Governments, the activities shall be regulated as per Integrated Coastal Zone Management Plan prepared. The Integrated Coastal Zone Management Plan will be implemented by the concerned State or Union territory Governments after the plans are approved by the Central Government.

With regard to strategically important areas, the Ministry of Defence would prepare an Integrated Coastal Zone Management Plan and submit to the Ministry of Environment and Forests. Such plans would be accorded clearance by a Special Committee constituted by the Central Government.

(iv) **Coastal Management Zone - III:** The activities that may be permitted or prohibited on the seaward side of the setback line and agencies responsible are given in Appendix-VI. The existing dwelling units and other infrastructure existing on the seaward side of the setback line shall not be disturbed/relocated. No activities relating to fishing by traditional communities shall be disturbed.

(v) **Coastal Management Zone - IV:** All activities shall conform to the approved Integrated Coastal Zone Management Plans, which shall be determined in each case by the concerned State or Union territory Coastal Zone Management Authority. While, preparing the Integrated Coastal Zone Management Plans it shall be ensured that no developments are permitted in the corals, mangroves, breeding and spawning of endangered species other than those minimum essential activities required for local communities.

7. Operation of the Coastal Regulation Zone Notification 1991.-

The Coastal Regulation Zone Notification, 1991 shall cease to operate within:

- (a) CMZ - I area, from the date of Notification of the concerned Integrated Coastal Zone Management Plan.
- (b) CMZ - II area, from the date of Notification of the Setback Line and approval of Integrated Coastal Zone Management Plan.
- (c) CMZ - III area, from the date of Notification of the Setback Line.
- (d) CMZ - IV area, from the date of Notification of the concerned ICZMP

Appendix-I

SETBACK LINE

The Setback Lines in the coastal management zones categorised as CMZ - I, II and III will be based on vulnerability of the coast to natural and manmade hazards. This procedure is followed in many countries where the coast has been mapped for vulnerability to coastal hazards.

For the purpose of mapping the vulnerability of the coast four parameters are taken into account: elevation, geomorphology, sea level trends, and horizontal shoreline displacement (erosion or accretion). A brief on each of the parameters which are to be considered for drawing up the Setback Line are given below:

- (i) **Elevation:** The elevation data shall be obtained from the available coastal toposheets and satellite data surveys with contour intervals of 0.5 and 1 meter.
- (ii) **Geomorphology:** The land forms will be identified on the maps based on the available toposheet and remote sensing data. Bathymetry to be derived from naval Hydrographic Charts on location specific surveys
- (iii) **Sea level trends:** The sea level trend data shall be based on the reports of the United Nations Inter-Governmental Panel on Climate Change (IPCC).
- (iv) **Horizontal shoreline displacement:** The erosion or accretion data of horizontal shoreline displacement shall be obtained from long term information derived from Survey of India Topographic maps (1967) and the latest satellite data. Horizontal shoreline displacement shall be estimated (median estimate) over the next 100 years.

Further detailed Technical Guidelines for delineation of the Setback Line may be provided by the Central Government in the Ministry of Environment and Forests.

The setback line shall be demarcated based on the above parameters using the guidelines as approved by the Ministry for CMZ-II and III areas on cadastral scale by NISCM or any other agency authorised by the Ministry within a period of two years from the date of issue of this notification.

Appendix-II

CMZ - I: INDICATIVE LIST OF ECOLOGICALLY SENSITIVE AREAS (ESA)

- (i) Mangroves
- (ii) Coral reefs
- (iii) Sand Beaches and Sand Dunes
- (iv) Mudflats
- (v) Marine wildlife protected areas under the Wildlife (Protection) Act, 1972
- (vi) Coastal freshwater bodies such as creeks, lakes, etc
- (vii) Salt Marshes
- (viii) Turtle nesting grounds
- (ix) Horse shoe crabs habitats
- (x) Sea grass beds
- (xi) Sea weed beds
- (xii) Nesting grounds of birds

Appendix- III**CMZ - II: THE INDICATIVE LIST OF AREAS OF PARTICULAR CONCERN**

- a) Coastal Municipalities/Corporations (the entire notified area)
- b) Coastal Panchayats with population density more than 400 persons per sq km (the entire notified area) as per the latest Census of India.
- c) Ports and Harbours
- d) Notified Tourism Areas
- e) Mining sites
- f) Notified Industrial Estates
- g) Foreshore facilities for Special Economic Zones
- h) Heritage areas
- i) Notified Archaeological sites under the Protected Monuments Act.
- j) Defence areas/installations
- k) Power Plants
- l) Green field airports and expansion and modernization of existing airports

Appendix-IV**COMPOSITION OF NATIONAL BOARD FOR SUSTAINABLE COASTAL ZONE MANAGEMENT**

1. Union Minister for Environment and Forests - Chair
2. Union Minister in-charge of Ministry of Earth Sciences - Co-Chair
3. Secretary, Ministry of Environment and Forests - Member Secretary
4. Experts (by name) in:

Coastal ecosystems -	1
Marine biology -	1
Maritime law -	1
Meteorology -	1
Disaster Management -	1
Environmental Economics -	1

5. Representative of the National Commission for Women -	1
6. Representative of the Ministry of Defence -	1
7. Representative from Indian Space Research Organization -	1
8. Representative of the Ministry of Urban Development -	1
9. Representative of the Ministry of Panchayati Raj -	1
10. Representatives of community based organizations of the mainland coastal population -	3
11. Representatives from fishers (1 male and 1 woman) -	2
12. Representatives from aquaculture, tourism, industries, mining, ports, sectors -	4
13. Representatives of coastal Rural District Panchayats -	3
14. Representatives of coastal Urban Local Authorities -	3
15. Representatives of Andaman and Nicobar and Lakshadweep Islands -	3

Appendix-V

GUIDELINES FOR PREPARATION OF INTEGRATED MANAGEMENT PLAN FOR CMZ II AREAS

- (i) The entire notified Corporation, Municipality, Panchayat, revenue area, shall be the outer boundary of the APC.
- (ii) ICZMPs shall be prepared for these areas indicating all present and future developments, conservation and preservation schemes.
- (iii) The ICZMP shall address vulnerability to human life and property based on setback lines prepared by Ministry of Environment and Forests.
- (iv) No constructions shall be permitted on the seaward side of any existing (as on 2008) approved building or a tarred or surfaced road in the area.
- (v) All the existing roads including the internal roads shall be strengthened, as these roads shall serve for the purpose of livelihood, communication, relief and evacuation measures particularly for fisher communities.

- (vi) Adequate cyclone shelters shall be constructed taking into account the population of the area.
- (vii) The new schools, market areas and other public facilities where large number of public congregate shall be located beyond the vulnerable area.
- (viii) Along the seaward side sufficient bio shield with local vegetation, trees including mangroves shall be planted
- (ix) The beaches shall be left free of any development.
- (x) Appropriate coastal protection structures be constructed where ever required on a scientific basis
- (xi) New houses and settlements shall be planned on landward of the setback line.
- (xii) Sand dunes, being natural speed breakers in the event of hazards, shall be maintained or regenerated by planting shrubs or through appropriate measures.
- (xiii) All the areas notified by the Ministry of Environment and Forests as CMZ I shall be clearly demarcated in the plan for their conservation.
- (xiv) The ICZMPs shall be approved by the proposed NISCM of the Ministry or any other authorized authorities as approved by the Ministry.
- (xv) There shall be no regulation with regard to fishing and fishery related activities.
- (xvi) The enforcement and monitoring will be the responsibility of the concerned State or Union territory Coastal Zone Management Authorities.

Appendix –VI

CMZ III: PERMISSIBLE DEVELOPMENTAL ACTIVITIES ON THE SEAWARD SIDE OF THE SETBACK LINE

- (i) **Activities, which are permitted by the local or concerned authorities without CMZ clearance**
 - (a) Boating, shipping and navigation.

- (b) Fisheries including traditional fish processing, ice plants and ice crushing facilities.
- (c) Mariculture including hatcheries and traditional aquaculture.
- (d) Agriculture and horticulture.
- (e) Public toilets and rain or cyclone shelters.
- (f) Repair of existing buildings or infrastructure including reconstruction activities.

(ii) Activities to be permitted with the approval of State or Union territory Coastal Zone Management Authority

- (a) Construction of boat jetties and fishing harbours to be approved with Environmental Impact Assessment.
- (b) Saltpans-making salt by solar evaporation of seawater.
- (c) Temporary construction for tourism facilities.
- (d) Water sports and recreation facilities.
- (e) Discharge facilities of treated effluents compiling with the norms.
- (f) Forest related activities.
- (g) Boat building including repair and re-fuelling facilities.

(iii) Activities that can be permitted with Environmental Impact Assessment and Environmental Management Plan to be approved by Ministry of Environment and Forests.

- (i) Integrated port, harbour, jetties and moored facilities.
- (ii) Dredging and disposal of dredged materials.
- (iii) Reclamation within port limits and for coastal protection.
- (iv) Coastal Protection measures including mangroves and other bioshields.
- (v) Bridges and sea links and approaches and reclamation therefor.

- (vi) Bunding for the purpose of preventing coastal erosion, salinity ingress, maintenance of waterways.
- (vii) Hydrocarbon exploration and extraction.
- (viii) Mining of placer minerals and offshore mining.
- (ix) Constructions of communication, power supply, lighthouses and water supply.
- (x) Pipelines for transfer of petroleum or chemicals, storage facilities for storage of petroleum or chemical products and regasification facilities.
- (xi) Defence related projects.
- (xii) Shipbuilding yards.
- (xiii) Ship-breaking in existing locations.
- (xiv) Non conventional energy including windmills.
- (xv) Any other activity which requires foreshore facilities.
- (xvi) Green field airports and expansion and modernization of existing airports

(iv) All other activities not listed above are prohibited."

[F. No. 11-83/2005-IA-III]

Dr. NALINI BHAT, Scientist 'G'

6.4 Abbreviations

CMZ	Coastal Management Zone Notification, 2008
CEE	Centre for Environment Education
CMZ I, II, III, IV	Coastal Management Zone I, II, III, IV areas
CRZ	Coastal Regulation Zone Notification, 1991
ESA	Ecologically Sensitive Areas
HTL	High Tide Line
ICZMP	Integrated Coastal Zone Management Plan
IT	Information Technology
LTL	Low Tide Line
MoEF	Ministry of Environment and & Forests
NGO	Non Governmental Organizations
SCZMA	State Coastal Zone Management Authority
SEZ	Special Economic Zone
U.T.	Union Territories

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Maharashtra

Srushtidnyan

Goa

Goa Civic and Consumer Action Network (GOACAN)

Karnataka

Canara Green Academy, Sirsi
College of Fisheries, Mangalore

Kerala

Trivandrum Social Service Society
Rotary Club of Tripunithura Royale
Nettur Technical Training Foundation (NTTF)
Tellicherry Rotary Club

Tamil Nadu

Society for Education and Development (SED)
Tamil Nadu Multipurpose Social Service Society (TMSSS)
TRUE - Vision
Holistic approach for People's Empowerment (HOPE)
South Indian Federation of Fishermen Societies (SIFFS)
Integrated Rural Workers Organisation (IRWO) & ARIF
Gandhian Unit for Integrated Development Education (GUIDE)

Andhra Pradesh

Traditional Fishermen Service Organisation (TFSO)
Andhra Pradesh State Pollution Control Board
State Institute of Fisheries Technology (SIFT), Kakinada

Orissa

WWF Orissa Chapter
United Artists Association

West Bengal

Society for Environment & Development (ENDEV)