



**COMMENTS/VIEWS/SUGGESTIONS ON THE
DRAFT COASTAL REGULATION ZONE NOTIFICATION 2018**

1. The draft CRZ notification of 2018 is a focused, schemed dilution of the existing CRZ Notification 2011, meant for protecting coastal ecology and livelihoods of coastal inhabitants like fisherfolk while permitting sustainable development that does not affect the fragile nature of the coast.
2. More than 250 million people in India live within 50km of the coastline, with a majority of them living in urban centres. A law that governs the well-being and long-term sustainability of such a large population should not be in the form of an executive legislation. Rather it should be an Act of the parliament.
3. The provisions of the CRZ Notification 2011 have not yet been completely implemented in all states due to the delay in the preparation of the Coastal Zone Management Plan. Even before the CZMPs can be approved and implemented, the MoEF&CC has begun diluting the protection that the plans offered.
4. When existing laws call for protection of certain areas like mangroves, salt marshes, intertidal areas etc., the MoEF&CC has opened up these very areas for development and tourism through the Draft CRZ 2018 notification. For instance, Strategic, Defence-related, Security and Atomic Energy projects have been carte blanche to obliterate even ecologically sensitive CRZ I Areas.
5. The draft notification ought to have reflected that the remit of the Ministry of Environment, Forests and Climate Change is environmental protection. However, the draft notification is a development, industrialization and urbanisation plan and not an environmental-oriented planning tool.
6. This willful dilution or reduction in the protection given to the environment are in violation of Section 3 of the Environment (Protection) Act, 1986, i.e - "*Subject to the provisions of this Act, the Central Government, shall have the power to take all such measures that it deems to be necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.*"
7. **Weakened Setback Lines** – The Draft CRZ 2018 notification is an invitation to disaster as it opens up hazardous areas between the High Tide Line and Hazard Line to development. The Draft CRZ 2018 Notification has weakened the powers and protection that set-back lines like Hazard Line offers to coastal areas under the existing CRZ Notification, 2011. Where the 2011 Notification aims to anticipate and prepare ourselves for the dangers of climate change and sea level rise by using the Hazard Line as a set-back for development, the draft CRZ 2018 nullifies it.



In removing the protection offered by the Hazard Line, the government has failed to take into consideration the properties, critical infrastructure and population that stands to be affected by effects of climate change and sea level rise. This fool-hardy move will expose today's development to tomorrow's hazards, and thereby pervert the principle of sustainable development.

- The CRZ areas of tidal influenced water bodies have been reduced to 50m from the 100m that the 2011 notification prescribes. The CRZ notification 1991 that preceded the 2011 notification mandated a 500m buffer

8. Changing Meanings of CRZ Zones – The 2018-draft CRZ notification brings in changes in the language used to define CRZ zones. The draft CRZ 2018 effectively makes all coastal stretches within cities, towns, municipalities and other legally designated urban areas as CRZ II, by removing the clause present in the CRZ 2011 that declares areas with low built up area within municipal limits as CRZ III. Definition of CRZ has also been expanded to define “Substantially Built up Areas” as areas where the ratio between built up plots to number of plots being more than 50%. This calculation and/or definition does not explain what they mean by “Plots”. Coastal areas have witnessed a boom in illegal “Plots” being sold as real estate. With no estimate of total number of legal, regularized plots, defining CRZ areas become all the more ambiguous.

- With ever expanding cities and municipal limits, this could be a way to promote get-rich-quick coastal real estate schemes even while home-buyers and other buyers of such developed realty will be harmed by natural disasters.
- The rationale behind demarcating CRZ III A and III B areas based on population density has also not been explained.
- The methodology to be used for deriving coastal population density from overall density as enumerated in the 2011 census has also not been revealed, raising suspicions about the scientific validity of such provisions and the very real risk of mischief by subjective interpretation of such terms.

9. Permitting Prohibited Activities – The CRZ Notification was originally brought in to protect the coastal ecology and the unique features of the coast, protect coastal livelihoods and to prohibit detrimental activities to the same. However, the draft 2018 notification brings in a number of changes to the clause defining prohibited activities under the CRZ 2011.

- CRZ 2011 prohibits the “*Reclamation for commercial activities such as shopping and housing complexes, hotels and entertainment activities*”. This has now been deleted, making reclamation of CRZ areas for commercial activities a permissible activity.
- CRZ 2011 Prohibits the “*Dressing or altering sand dunes, hills and*

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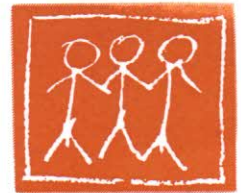
other natural features including landscape changes for beautification and recreational purposes” This has been edited to only include “Active” sand dunes. However, no definition has been provided for what are considered “Active” Sand dunes. This change also means that the protection offered to hills and other natural features of the coast have now been removed, making them permissible activities. Considering that the entire stretches of the western coastline are not sandy, but hilly, the removal of protection indicates an intent to open up these areas for real estate and other development.

- CRZ 2011 also laid a mandate on local authorities to prepare a phase out plan for discharge of untreated effluents and disposal of city wastes in CRZ Areas. However, until today untreated effluents and disposal of city wastes continue to pollute CRZ Areas. The 2018 notification does away with the responsibility of officers within the government to prepare this plan and stop such discharges/disposals in a timely manner.
- CRZ 2011 “*Setting up and expansion of units or mechanisms for disposal of wastes and effluents*” has been deleted, making it a permissible activity under the new 2018 notification. The 2011 notification only permitted the discharge of treated effluents, storm water and facilities for discharge of such effluents. It permitted treatment facilities for wastewater arising from facilities within the CRZ only. Now, the 2018 notification does away with this clause, permitting even facilities not within the CRZ areas to have treatment facilities for waste and effluents within the CRZ.
- Restrictions on drawl of groundwater within the 200-500m from HTL have also been relaxed in the 2018 notification, making it a permissible activity through manual wells for agriculture, horticulture, fisheries, drinking purposes etc. However, no definition of any of these words has been given. Further, no restriction on quantity of groundwater that can be drawn is put in place. Excessive drawl of groundwater will lead to salinity ingress and destruction of the coastal freshwater aquifers.

10. Special Consideration to undefined “Defence and Strategic” “Public Utility” and “Security” Projects - The 2018 draft CRZ notification provides a lot of scope for permitting projects that fall within the “Defence” “Strategic”, “Security” and “Public Utilities” categories – However, no definition for any of these words have been provided. The MoEF&CC utilizes this ambiguity to allow a range of exceptions for these projects. The draft notification allows for -

- *Construction of roads and roads on stilts by way of reclamation of CRZ I areas* (like mangroves, sand dunes, turtle nesting sites, salt marshes, coral reefs etc.). Such activities will severely affect

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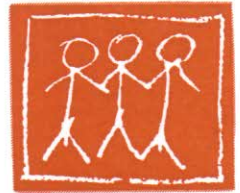


endemic flora and fauna of such ecologically sensitive areas going against the spirit of the coastal regulatory zone notification.

- *Land reclamation and bunding* for the construction for Defence, Strategic and Security project facilities in intertidal areas .e - the area *between the low tide line and high tide line in the case of the sea/ocean* and the areas that tidal influenced water bodies expand and contract according to the season for development. i.e - the area *between the low tide line and high tide line in the case of the sea/ocean* and the areas that tidal influenced water bodies expand and contract according to the season for development.
- Port Projects, Pipelines, conveyer belts, roads, breakwaters, storage terminals, facilities for thermal power plants, desalination plans have all been marked as permissible activities. As CRZ I-B includes Salt Pan, *the notification effectively permits the conversion of intertidal saltpans into real estate for industries.*
- Mega flagship projects like “Sagarmala” and “Smart Cities” have been touted to be multi-million dollar strategic projects of GoI. Allowing facilities of such projects to come up unregulated in CRZ Areas is hazardous and is bound to degrade the marine ecology, coastal environment and the aesthetic uses of the sea coast.
- This could be used as a loophole and, any project can be termed strategic or of public-utility in order to avail of exemption from the restrictions of the Notification, defeating the spirit of the CRZ notification.

11. Favoring Coastal Tourism over Coastal Livelihoods – The draft CRZ 2018 notification plays into the coastal tourism agenda of the government by permitting the development of year-round tourism facilities in all coastal states. The intent of the government to shift coastal areas from being livelihood spaces of the fishers and safety buffers for the inland to recreational space for the rich is evident and ill-advised.

- With Government of India promoting its “Swadesh Dharshan” scheme through the Ministry of Tourism, the real intention behind revamping the CRZ notification from being a protection plan to a development plan is brought to light.
- CRZ I areas like mangroves have been opened up for tourism as the draft permits the setting up for eco-tourism trails like mangrove walks, tree walks etc. within mangroves identified in the CZMP.
- Mangrove areas are considered important bird habitats and flood buffer, allowing tourism and increasing human presence can drastically change the nesting and resting patterns of migratory birds.
- Mangroves are also important fish breeding areas, increase in built up space, and garbage and footfalls will hamper fish breeding, leading to a decline in overall fish resource.
- Increasing built up spaces so close to the sea will also greatly harm



the nesting patterns of sea turtles that are dependent on isolated beach stretches for laying eggs.

- In CRZ II areas, provisions for developing tourism facilities on “Vacant” land has been permitted given the guidelines in Annexure III of the draft notification 2018. “Vacant” coastal areas are almost always areas being traditionally used by small-scale fishing communities for traditional livelihood uses. Instead of recognizing these uses and securing these areas for the fishing community, the 2018 notification treats the coast as areas waiting to be converted into real estate.
- In CRZ III Areas, the draft 2018 notification allows for the construction of temporary tourism facilities on the seaward side – i.e. the “No Development Zone” of the CRZ Area – if a state or national highway passes through the area. The spirit of creating NDZs was to preserve the environmental integrity of the coastal areas. Allowing development, albeit temporary will increase garbage & sewage in the area. The CRZ notification does not call for any management plan for garbage in these areas. Commercial establishments and tourism facilities change the nature of land use in these areas. Fisher land use and livelihood uses do not appear to have been taken into consideration while bringing in these provisions.
- The guidelines in Annexure III do not lay out any consultative process with fishing communities before development of any tourism facilities. In urban areas, where the fishers are already reeling under the pressures of a seaward moving city and a landward moving sea, the pressures that arise from tourism will be the last nail in the coffin.

12. Favoring Coastal Industrial Development over Coastal Ecology and Bio-Diversity – The draft CRZ 2018 notification relaxes a number of restrictions on the setting up of coastal industries such as Thermal Power Plants, Desalination Plants, Waste Treatment Plants, Non-Conventional Energy Generation etc. that were regulated by the CRZ notification 2011

- The 2018 draft notification opens up ecologically sensitive “Intertidal Areas” i.e - the area *between the low tide line and high tide line in the case of the sea/ocean* and the areas *that tidal influenced water bodies expand and contract according to the season* for development. The 2011 Notification gave the highest level of protection to intertidal areas like Salt Pans, Mudflats etc.
- Pipelines, conveyance facilities and transmissions lines to and from these industries are permitted through CRZ I-A Areas (like mangroves, salt marshes, sand dunes, mudflats, coral reefs etc.), the draft 2018 notification says.
- Ancillary facilities for industries like storage terminals for oil and other substances, power generation through non-conventional

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sources, manual mining of atomic minerals etc. have been permitted in Intertidal areas.

- Port projects, especially those falling within the “strategic” definition are set being set up by through this notification. Pipelines, conveyer systems like belts, pipelines, roads, breakwaters, storage terminals, and facilities for thermal power plants have all been marked as permissible activities. As CRZ I-B includes Salt Pans the notification effectively permits the conversion of intertidal salt pans into real estate for industries.

13. Promoting development without understanding of fisheries - The water and bed area of the sea and tidal influenced water bodies and coastal commons serve as the primary livelihood and food security for over 14 million people in India, as enumerated by the National Livestock Census, 2003.

- The attempt by the GoI to promote coastal industries, coastal tourism and coastal real estate turns a blind eye to the fate of millions of fisher workers dependent on the sea and the coast for their life and livelihoods.
- The 2018 notification allows for reclamation of water and bed areas in CRZ IV for construction of industries, ports, memorials, monuments etc. The protection measures that were mandated by the CRZ 2011 including restrictions on development, and mapping of livelihood spaces, fishing grounds, land use and community infrastructure etc have been done away with.
- The environmental impact of the draft CRZ Notification will be significantly negative, especially since the draft permits encroachment of water areas and intertidal areas along the sea and in estuaries and creek without any understanding of its overall impact on coastal surface water or groundwater hydrologies, biodiversity, fishery habitats and resources or the fisheries economy. Reclamation of coastal wetlands for “strategic” projects will catalyse the collapse of the small scale fisheries economy, leading to widespread social disharmony.
- Instead of strengthening the law and securing the life and livelihood spaces of the fisherfolk, the MoEF&CC is partaking in large scale Ocean Grabbing, promoting the *blue economy* by bringing in legislative changes, such as the draft 2018 notification that redefine the primary user of these seas.

14. Decentralizing Clearance Procedures – The 2018 draft notification has overturned the entire clearance procedure by granting powers to the state CZMAs and other local authorities, which were till now only a clearance appraising authority at the district and state levels to grant CRZ Clearances.

- This is being pushed by doing away with the requirement for both

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state and central government permissions for carrying out any activity (with exceptions in CRZ II) in the coastal regulatory zone.

- It states that only activities that attract clearance under CRZ I or CRZ IV (with or without CRZ II and III in the project) will attract clearance from the MOEF. All other projects falling squarely within CRZ III or II can be accorded clearance by the CZMAs.
- It also grant local authorities like Tahsilars, municipalities and local corporation to accord clearance for CRZ projects without the appraisal of even the state CZMA if the total project site is less that 300SqMts/~3000SqFt, potentially leading to a boom in real estate/townships on the coast. Revenue authorities are not equipped to perform the function of environmental protection.
- This responsibility of being a clearance granting authority is given to local bodies/agencies who have not, till date taken any steps in the implementation of the CRZ Notification. It is these same agencies that have been empowered to take cognizance of violations under the CRZ 2011. However, not a single violation has been acted upon till date, destroying large tracts of the coastline.
- Decentralizing the entire clearance procedures will only lead to a complete collapse in the administration and implementation of the CRZ notification

15. Removing special considerations – The CRZ 2011 provided special considerations to the CRZ Areas like Goa and Kerala, including provisions that restricted setting up structures on the beach; the coastal areas of Kerala and Goa have been opened up for development. These considerations were put in place keeping in mind the unique coastal ecosystems in these areas. By removing these special considerations, the responsibility of the government to prepare special protection plans has been lifted.

16. Expresses Intent of Dissolving State CZMAs by non-appointment - The 2018 also expresses intent to dilute the powers of the CZMAs by including a clause that accords powers to the Department of Environment within the state government to control CRZ clearance procedures in case the CZMAs are not under operation. The 2011 notification requires the CZMA to be active and constituted for appraisal of any proposals, and does not give the state environment department any administrative powers under the CRZ Notification 2011. This will also hamper comprehensive decision- making and appraisal of projects.

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17. Coastal Zone Management Plan; Dilution before implementation –

The CZMP under CRZ 2011 has not yet been approved by the MoEF&CC, almost seven years after its notification. Based on orders by the National Green Tribunal in November 2017, the governments of coastal states are now in the process of preparing and approving the coastal zone management plans. Before they can be approved and put into force, the Draft CRZ notification 2018 calls for its revision to accommodate the dilutions brought in. The Draft Notification exposes the mischievous intent of the Central and State Governments that have willfully violated the 2011 Notification by preparing draft plans and maps that are incomplete and missing crucial features such as the Hazard Line.

18. Public hearings announced by the government for the CZMP under CRZ 2011 was opposed vehemently on the basis of non-demarcation of livelihood spaces in states like Tamilnadu. In this climate, introducing a notification that completely strips fisherfolk and other coastal inhabitants of their right to live and livelihood, rights over coastal commons and protection of coastal ecology is totally and completely condemned.

Hence, we, as members of the civil society, on behalf of fishers in India register our total and complete opposition and rejection to this “Draft Coastal Regulation Zone Notification 2018” put out for public comments by the MoEF&CC, Government of India. The Ministry is urged to revisit its founding principles and take steps to adhere to their mandate in protecting the environment and the people dependent on the environment instead of paving way for short sighted economic gains by promoting destructive development and tourism on the coast of India.

The Ministry of Environment, Forests and Climate Change, Government of India must set aside this “Draft Coastal Regulation Zone Notification 2018” and take appropriate steps in the lawful implementation of the provisions of the existing CRZ Notification 2011.