



A. HOW IS THE COASTAL ZONE DEFINED IN THE COUNTRY?

The Coast Conservation Act 1981 defines coastal zone in the country as:

- Area lying landward upto 300 metres (m) from the mean High Water Line (HWL) and 2km seawards from the mean Low Water Line (LWL). Mean HWL is the line at 0.6m above Mean Sea Level (MSL) and mean LWL is 0.6m below MSL.
- For tidal influenced water bodies: area from a limit of 2km measured perpendicular to the straight base line drawn between the natural entrance points including the water bodies.

Coastal zone mapping has been done at a 1:10000 scale through the country. It took Coast Conservation Department (CCD) one year to complete this exercise. CCD is the nodal department, under the Ministry of Defence, that regulates the coastal zone in the country. The survey department decides MSL, HWL and LWL.

B. HOW IS THE COASTAL ZONE REGULATED?

- The Coast Conservation Act 1981 regulates certain development activities in the coastal zone. 'Development activity' means any activity that is likely to alter the physical nature of the coastal zone. Under the Act, the power for deciding which activities need a permit from the CCD has been vested with the Minister. It is also the Minister who decides the list of prescribed activities in the coastal zone under the Act. He/she will need to consider the effect of these activities on long-term stability, productivity and environmental quality of the coastal zone.
- Two conditions have been laid for the issue of permits – the activities have to be consistent with the Coastal Zone Management Plan (CZMP) and the activities should not have any adverse effect on the stability, productivity and environmental quality of the coastal zone.
- Activities not needing a permit include fishing, cultivation of crops, construction/maintenance of coastal protection measures by CCD and planting other trees and vegetation. Exemptions to these prohibited activities maybe granted by the Director General (DG) in consultation with the Advisory Council if the proposed activity serves a 'compelling public purpose' which can be – public infrastructure (energy, communication or transportation), water dependent activity with significant economic gains or activity providing better public access to the shore. Prohibited activities within the coastal zone include removal of coral other than for research, mining of sand except in area identified by CCD, development within 200m of archaeological sites and any development activity that will significantly degrade the quality of designated natural areas.
- Post tsunami, setbacks have been introduced in the country. A setback is defined as an area left free of any physical modification. Initially, a minimum setback of 300m from the mean HWL was suggested for certain sensitive areas which was later revised. For development activities carried out in the West and South coast of Kala Oya river mouth to Kirindi Oya river mouth, a 100m setback was proposed from the Permanent Vegetation Line (PVL). A 200m setback from PVL was proposed for development activities within the coastal zone from Kirindi Oya river mouth covering east and the north coasts. Within these setback the activities allowed include storage for fishing gear/equipment, construction of temporary huts for storing beach nets, facilities for ice production/storage/distribution, seawater intakes, coastal protection structures, etc. Today setbacks ranging from 0-125m from the mean HWL exist. Setback for water dependent activities has been suggested to be decided on a case-by-case basis. The setback is now divided into reservation and restriction zones. While no



development activity is allowed in the reservation zone, construction of jetties, ports and effluent discharge pipelines is allowed in the restriction zone subject to a permit. The reservation zone is usually narrow. For instance, in a typical 50m setback, only 15-20m area falls under reservation zone.

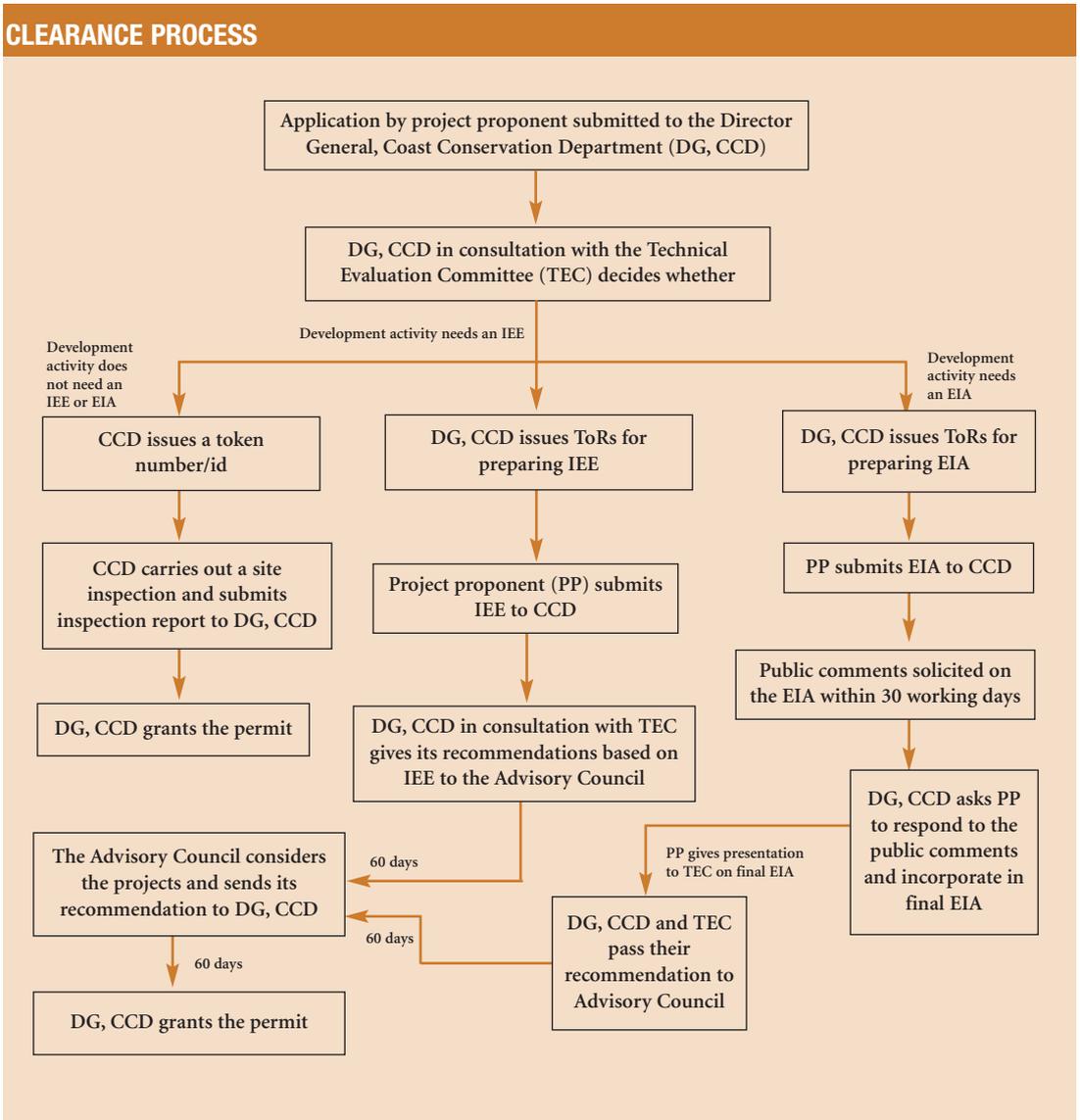
■ The Act mandates the formulation of a Coastal Zone Management Plan (CZMP) based on the coastal survey to be carried out under the Act and will be revised every four years. The plan should include:

- Guidelines for determining suitability of certain development activities in the coastal zone.
- Proposals that deal with land use, transport, recreation, tourism, mineral extraction, human settlements, agriculture, industry, etc.
- Proposals for reservation and prohibition of certain activities in the coastal zone.
- Recommendations for strengthening government departments and institutions.
- A detailed plan on utilising manpower that gets displaced as a result of coastal zone regulation.

C. WHAT IS THE PROCESS OF CLEARANCE FOR A COASTAL DEVELOPMENT PROJECT?

The Coast Conservation Act (CCA) lays down the procedure for getting the permit for development activities as:

■ The application for such a permit is to be made to the Director General (DG), CCD in a prescribed format along with the prescribed fee (see: *Clearance process*). The DG in consultation with the Technical Evaluation Committee (TEC), a body under the CCD comprising representatives from





various other authorities, decides whether the development activity needs an initial Environmental Examination (IEE), an Environment Impact Assessment (EIA) or none. The process for all three kinds of development activity varies. For instance, a project that does not need an IEE or and EIA is issued a token number/id acknowledging the receipt of the application. CCD then conducts a site visit and a site inspection report is prepared. Based on this report, the DG may grant a permit. However, if during the visit the project area is found to lie within a critical habitat/region or in the setback, the DG may reject the proposal. If the project proponent appeals to the Secretary of the department then the same maybe taken up for consideration again. A case involving setback will be transferred to the Advisory Council, set up under the Coast Conservation Act. The Council may consider narrowing the setback zone for the development activity based on certain conditions. The case involving critical habitat is taken up by the TEC who then may ask the project proponent to prepare an IEE or an EIA.

- If the DG in consultation with TEC decides that the development activity needs an IEE, then the ToRs for preparing the same are communicated to the project proponent. The project proponent submits the IEE to CCD. The DG in consultation with TEC then passes his recommendations to the Advisory Council. The Council will review the recommendation and submit its final comments within 60 days. Within 60 days of these comments reaching the DG, he will need to make his decision on the proposal also specifying certain conditions in the permit if he deems fit. The period of this permit will also need to be specified in it.

- If the DG in consultation with TEC decides that the development activity needs an EIA, then the ToRs for preparing the same are communicated to the project proponent. The Act requires for a public scrutiny of the EIA. It states that a notice is to be published in the Gazette, inviting the public to make comments. The public may send in written comments within 30 working days of such notification. DG then reviews the consolidated comments and sends them to the project proponent for responses who will respond to these and also incorporate the concerns in the final EIA. The project proponent is then required to give a presentation to the TEC on the final EIA. The TEC passes its recommendations to the Council. The Council will review the recommendation and submit its final comments within 60 days. Within 60 days of these comments reaching the DG, he will need to make his decision on the proposal also specifying certain conditions in the permit if he deems fit. The period of this permit will also need to be specified in it.

D. ISSUES/PROBLEMS WITH COASTAL ZONE MANAGEMENT IN SRI LANKA AND WHAT NEEDS TO BE DONE

- The definition of coastal zone needs to take into account climate change considerations. Having a fixed MSL might not be a good scenario as sea level rise is not accounted for.
- There is a need for the country to identify certain ecologically sensitive areas like corals, mangroves, etc., where no development should be allowed. The concept of setback should be implemented more strictly in these areas.
- There is a need to consolidate the clearance/permit from CCD and that being received from the Central Environment Authority for a coastal project.
- The CCD needs to work with the Tourism department in the country to develop some guidelines for hotels and guest houses along the coasts. These should include some siting criteria and need for wastewater treatment and solid waste management.