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NATIONAL ENVIRONMENTAL (COASTAL AND MARINE AREA PROTECTION) REGULATIONS, 2011



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S. I. No. 18 of 2011

**NATIONAL ENVIRONMENTAL (COASTAL AND MARINE
AREA PROTECTION) REGULATIONS, 2011**

In exercise of the powers conferred on me by Section 34 of the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007 and all other powers enabling me in that behalf, I, MR JOHN ODEY, Honourable Minister, Ministry of Environment hereby make the following Regulations :

[28th Day of April, 2011]

Commence-
ment.

PART I—GENERAL PROVISIONS

1. This Part applies to all users of Coastal and Marine Areas in Nigeria.

Application.

2. The objectives of this Part of the Regulations are to :

Objectives.

(a) provide regulatory framework capable of preserving the natural ecological conditions of the estuarine system, the barrier islands system and the beaches so as to safeguard and perpetuate their natural productivity and their biological, economic and aesthetic values ;

(b) provide regulatory framework for the application of preventive, precautionary and anticipatory approaches so as to avoid degradation of the marine environment, as well as to reduce the risk of long-term or irreversible effects on the coastal and marine environment ;

(c) ensure the protection of the coastal and marine environment for sustainable development ;

(d) ensure that land-based and industrial sources of marine and coastal pollution such as sewage, nutrients, synthetic compounds, litters, metals, other hydrocarbons; pollution associated with human activities, such as agriculture, forestry, urban development, tourism are controlled for the sustainable management of the coastal and marine environment ;

(e) ensure that the development or preservation of resources of the coastal area proceeds in a manner consistent with the capability of the land and water for development, use, or preservation based on ecological considerations ;

(f) ensure the sustainable use of resources, preservation and conservation of our coastal resources on behalf of the people of Nigeria ;

(g) provide national regulatory guidelines for enforcing compliance imperative for the domestication of international conventions, protocols, agreements and treaties relating to the coastal and marine environment to which Nigeria is signatory ;

(h) establish guidelines and standards for the coastal and marine environment of significant natural value ; and

(i) prohibit hazardous waste in coastal and marine areas, including :

(i) sustainable protection, preservation and conservation of the coastal and marine area resources and other natural resources including but not limited to water use, scenic vistas, fish and wildlife; and management of transitional or intensely developed areas and areas especially suited to intensive use for development,

(ii) the economic development of coastal areas, including but not limited to construction, location and design of industries, Port facilities, commercial establishments and other development,

(iii) recreation and tourist facilities and parklands,

(iv) transportation and circulation patterns for the coastal areas, major thoroughfares, transportation routes, navigation channels and harbours and other public utilities and facilities,

(v) preservation and enhancement of historic, cultural, and scientific aspects of the coastal areas,

(vi) protection of present common-law and statutory public right in the lands and waters of the coastal areas,

(vii) prevent, minimise and ultimately eliminate the transfer of harmful aquatic organisms and pathogens through the control and management of ship's ballast water and sediment,

(viii) any other purposes deemed necessary or appropriate to effectuate the policies of these Regulations ; and

(ix) Imposition of penalties on violators of the Coastal and Marine Areas Protection Regulations.

Principles.

3. The principles set out hereunder shall be observed in regulating all coastal and marine areas :

(a) Coastal and Marine resources shall be utilized in a sustainable manner compatible with the continued protection of coastal and marine areas and their hydrological functions and services ;

(b) (i) Environmental Impact Assessment (EIA) shall be conducted for all new developmental activities in coastal and marine areas ; and

(ii) Environmental Audit (EA) shall be conducted on all existing facilities every three (3) years ;

(iii) best practices shall be applied for the conservation of coastal and marine areas of international, national and local importance as ecological

systems and habitats for fauna and flora species, cultural and aesthetic purposes, as well as for their hydrological functions etc ;

(iv) development of resources shall be undertaken with adequate protection of environment and use of best practice options ;

(v) development in our time shall not deny future generations from meeting their developmental needs.

(vi) coastal and Marine environmental protection shall be an integral part of the development approval process ;

(vii) statutory international and national coastal and marine management bodies shall co-operate in building better practice management through sharing of information, technology and professional expertise ;

(viii) statutory international and national coastal and marine management bodies shall cooperate in a spirit of partnership to conserve, protect and rehabilitate the coastal and marine environment ;

(ix) adequate access to information and opportunity shall be provided for meaningful participation in planning and decision making process ;

(x) the lack of full scientific certainty shall not be used as a reason for approving potentially damaging development or postponing cost effective measures to prevent degradation of the coastal and marine environment ;

(xi) the polluter pay principle shall be applied to discourage pollution in the coastal and marine environment.

4.—(1) The Agency shall, in collaboration with relevant Agencies, States and Local Governments, communities and other stakeholders, compile an inventory of all coastal and marine areas for the purpose of determining their conservation status and ecological quality.

Inventory of
Coastal and
Marine
Areas.

(2) The Agency in collaboration with the relevant littoral State Government(s) shall periodically assess the coastal and marine areas to determine the necessity for revision or correction of the inventory on coastal and marine areas.

(3) In conducting an inventory on coastal and marine areas, the Agency in collaboration with the relevant littoral State Government(s) shall consult with the Local Governments in determining the best suitable areas that should be included in the list of coastal and marine area of local, national or international importance.

(4) States and Local Governments shall cause to be convened, meetings of local inhabitants and stakeholders, public consultation within the vicinity of the coastal and marine areas prior to making any decision affecting the coastal and marine areas.

(5) The Agency shall encourage the States and Local Governments to publish the inventory of coastal and marine area every three (3) years reflecting the current status of coastal and marine areas.

(6) The inventory shall form part of the data base of the Agency.

Classification of Coastal Regulation Zone.

5. For the purposes of these Regulations, the coastal zone stretches within 500 meters of High Tide Line on the landward side and are classified into four categories, namely :

(a) CATEGORY I (CRZ-I) :

(i) areas that are ecologically sensitive and important, such as national parks/marine parks, sanctuaries, forest reserves, wildlife habitats, mangroves, or corals/coral reefs ;

(ii) areas close to breeding and spawning grounds of fish and other marine life ;

(iii) areas of outstanding natural beauty, historical, heritage areas ;

(iv) areas between the Low Tide Line (LTL) and the High Tide Line (HTL) ;

Municipal Areas.

(v) areas that are rich in biodiversity or areas likely to be inundated due to rise in sea level ; and

(vi) such other areas as may be declared by the Federal Government or the concerned authorities at the State or Local Government level from time to time;

Coastal Rural Areas yet undisturbed.

(b) CATEGORY II (CRZ-II)

Areas that have already been developed up to or close to the shoreline : Such are the areas, within the municipal limits or in other legally designated urban areas which are already substantially built up and which have been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewage mains.

(c) CATEGORY III (CRZ-III)

Areas that are relatively undisturbed and those which do not belong to either Category I or II ; and these will include coastal zone in the rural areas (developed and undeveloped) and also areas within Municipal limits or in other legally designated urban areas which are not substantially built up.

(d) CATEGORY-IV (CRZ-IV)

Artificial or naturally formed low tide elevations in Island and Coastal Areas.

6. The following activities are declared as prohibited within the Coastal Regulation Zone namely :

(a) setting up of new industries and expansion of existing ones, except those directly related to water front development or directly needing foreshore facilities and projects for national security or that have obtained relevant permits ;

(b) manufacture, handling, storage or disposal of hazardous substances as specified under Section 27 (1) of National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007 (NESREA Act); except transfer of hazardous substances from ships to ports, terminals to refineries and vice versa, in the port areas provided that Government of Nigeria, on a case to case basis, may permit storage of the petroleum products specified in Schedule I to these Regulations, within the existing port limits of existing ports and harbours, and in those areas of ports that have not been classified as CRZ-I subject to implementation of safety regulations, including guidelines issued by the Ministry responsible for Petroleum Resources after ensuring proper location of site and availability of necessary equipment to meet the safety norms and the exigencies arising due to any accident or spillage ;

(c) setting up and the expansion of fish processing units including warehousing but excluding hatchery and natural fish drying in permitted areas ;

(d) discharge, into watercourse and waterbodies, of untreated wastes and effluents from industries, cities or towns and other human settlements ;

(e) dumping of municipal waste for the purpose of land filling or otherwise; the existing practice, if any, shall be phased out within a reasonable time not exceeding 3 years from the commencement of these Regulations ;

(f) dumping of ash or any wastes from thermal power stations ;

(g) discharge of oil from boats, barges and vessels or ships ;

(h) dumping of any plastics from boats/vessels is prohibited in compliance with MARPOL CONVENTION 73/78 and other types of garbage are permitted only outside specific distances offshore and dumping food waste less than (20) km offshore and glass, metal, bottles, etc. are prohibited less than 12 km offshore ;

(i) land reclamation, bounding or disturbing the natural course of sea water are prohibited except those required for construction or modernization or expansion of ports, harbours, jetties, wharves, quays, slipways, bridges, sea-links and for other facilities that are essential for activities permissible under this Regulation or for control of coastal erosion and maintenance or clearing of water ways, channels and ports or for prevention of sandbars

or for tidal regulators, storm water drains or for structures or for prevention of salinity ingress and water recharge; Reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities shall not be permissible; illegal discharge of oil from boats, barges and vessels/ship into the environment shall also not be permissible ;

(j) mining of sands, rocks and other substrata materials, except :

(A) those rare minerals not available outside the CRZ areas ; and

(B) exploration and extraction of Oil and Natural Gas.

(k) harvesting, or abstraction of ground water and construction of mechanisms within 200m of HTL is not permissible; it shall be permitted in the 200m to 500m zone except—

(A) only when done manually through ordinary hand dug wells for drinking, horticulture, agriculture and fisheries ; and

(B) abstraction of ground water where no other source of water is available and when done manually through ordinary wells or hand pumps, for drinking and domestic purposes, (in non industrial, non-commercial and non-municipal waste sources) in the zone between 50 to 200m of High Tide Line in case of Seas, Bays and Estuaries and also within 200m from High Tide Line in case of Rivers, Creeks and Back waters,

(l) construction activities in CRZ—I as specified under regulation 5 of these Regulations ;

(m) any construction activity between the LTL and HTL except facilities for carrying treated effluents and waste water discharges into the sea, or for facilities or for carrying sea water or for cooling purposes or for facilities for oil, gas production including pipelines and facilities essential for activities permitted under this Regulation,

(n) dressing or altering of sand dunes, hills natural features including landscape changes for beautification, recreational and other such purpose, except as permissible under the extant, edicts and Municipal Bye-laws ; and

(o) intake and disposal of Ballast water except with :

(A) permit from appropriate maritime administration in Nigeria ; and

(B) duly signed Ballast Water Management Certificate from the relevant Authorities.

7. All other activities, except those prohibited under regulation 6 of these Regulations shall be regulated as follows :

(a) permit shall be given for all non-prohibited activities within the Coastal Regulation Zone ; and

(b) the following activities shall require Environmental Permit from the Agency, namely :

(i) construction activities related to projects for which foreshore facilities are essential such as Slipways, jetties, wharves, and quays; except for classified operational component of defence projects for which a separate procedure shall be followed, residential buildings, office buildings, hospital complexes, workshops shall not come within the definition of operational requirements except in special cases and hence shall not normally be permitted in the CRZ ;

(ii) operational constructions for ports and harbours and lighthouses and constructions for activities such as jetties, wharves, quays and slipways, pipelines, conveying systems including transmission lines ;

(iii) thermal power plants, including associated foreshore facilities for transport of raw materials, or facilities for in-take of cooling water and outfall for discharge of treated waste water or cooling water ; and

(iv) all other activities with investment exceeding ₹500,000 except those activities which are to be regulated by the concerned authorities at the State or Local Government level in accordance with the provisions of these Regulations.

8.—(1) The Agency in collaboration with every littoral State Government shall prepare, within a period of two years from the commencement of these Regulations, Coastal Area Management Plans identifying and classifying the CRZ areas within their respective territories in accordance with the guidelines under regulation 5 of these Regulations (Classification of Coastal Regulation Zone) and regulation 10 of these Regulations (Guidelines for Development Activities) and shall obtain approval with or without modifications from the Agency.

Preparation
of Integrated
Coastal Area
Management
Plan.

(2) Within the framework of such approved plans, all development and activities within the CRZ other than those covered under Regulations 6 and 7(b) of these Regulations shall be regulated by the Agency in compliance with the provision of the Integrated Coastal Area Management (ICAM) and in accordance with guidelines given under regulations 5 and 10 of these Regulations.

(3) All developments and activities within the CRZ shall not violate the provisions of this Regulation while the States and Local Governments shall ensure adherence to these Regulations and report violations.

(4) The Agency shall be responsible for Compliance Monitoring and Enforcement of the provisions of these Regulations nationwide in collaboration with relevant MDAs, State and Local Governments.

9. The development or construction activities in different categories of CRZ shall be regulated by the Agency in accordance with the guidelines set forth below :

(a) CRZ-I subject to an EIA permit, new construction shall not be permitted in CRZ-I except :

(i) pipelines and conveying systems including transmission lines ;

(ii) facilities that are essential for activities permissible under CRZ-I. Between the LTL and the HTL, activities as specified under regulation 6 (m) of these Regulations (Treatment Plant) may be permitted and between LTL and HTL in areas which are not ecologically sensitive and important, and the following may be permitted :

(A) exploration and extraction of Natural Gas ; and

(B) activities as specified under regulation 6 (b) of these Regulations.

(iii) construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewage which are required for local communities of the Reserved Area which may be permitted, on a case to case basis, by the Agency ; and

(iv) no construction activity, except as listed under regulation 6 (m) of these Regulations (Effluent Treatment Plants) shall be permitted between the Low Tide Line and the High Tide Line.

(b) CRZ-II :

(i) buildings shall be permitted only on the landward side of the existing road (or roads proposed in the approved Coastal Zone Management Plan of the area) or on the landward side of existing authorized structures.

(ii) buildings permitted on the landward side of the existing and proposed roads/existing authorized structures shall be subject to the existing Town Planning Regulations including the existing standards of Floor Space Index (FSI)/Floor Area Ratio (FAR) provided that permission for construction of buildings shall not be given on landward side of any new roads (except roads proposed in the approved Coastal Zone Management Plan) which are constructed on the seaward side of an existing road ;

(iii) reconstruction of the authorized buildings to be permitted subject to the existing Floor Space Index/Floor Area Ratio standards and without change in the existing use ; and

(iv) the design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.

(c) CRZ-III

(i) the area up to 200 meters from the HTL is to be designated as "No Development Zone". Construction shall not be permitted within this zone except for repairs of existing authorized structures not exceeding existing FSI, existing plinth area and existing density and the words "Construction is not permitted" is to be earmarked within this zone, except for the aforementioned areas, provided the Agency may permit construction of facilities for water supply, drainage and sewage for requirements of local inhabitants.

(ii) development of vacant plots between 200 and 500 meters of High Tide Line in designated areas of CRZ-III with prior approval from NESREA for construction of hotels or beach resorts for temporary occupation of tourists or visitors subject to the conditions as stipulated in the guidelines under regulation 10 of these Regulations.

(iii) construction or reconstruction of dwelling units between 200 and 500 meters of the HTL is permitted subject to being within the ambit of traditional rights and customary uses such as existing fishing villages and human settlements. Building permission for such construction or reconstruction will be subject to the conditions that the total number of dwelling units shall not be more than twice the number of existing units, total covered area on all floors shall not exceed 50 per cent of the plot size; the overall height of construction shall not exceed 9 meters and construction shall not be more than 2 floors meaning—ground floor plus one floor.

(iv) construction is allowed for permissible activities including associated essential facilities for such activities. The Agency may permit construction of public rain shelters, community toilets, water supply, drainage, sewage, roads and bridges, provided the Agency may also permit construction of schools and dispensaries for local inhabitants of the area ; and

(v) reconstruction/alterations of an existing authorized building permitted is subject to paragraph (a)(i) to (iii) of this regulation.

(d) CRZ-IV (SPECIAL ISLANDS)

(i) new construction of buildings shall not be permitted within 200 meters of the HTL ;

(ii) the buildings between 200 and 500 meters from the High Tide Line shall not have more than 2 floors meaning ground floor and first floor, the total covered area on all floors shall not be more than 50 per cent of the plot size and the total height of construction shall not exceed 9 meters ;

(iii) the design and construction of buildings shall be consistent with the surrounding landscape and local architectural style ;

(iv) for the purposes of this regulation, the High Tide Line means the line on the land up to which the highest water line reaches during the active tide, sands from the beaches and coastal waters shall not be used for construction and other purpose ;

(v) dredging and underwater blasting in and around designated area known to harbour endangered aquatic species shall not be permitted ; and

(vi) in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III with the prior approval of the Agency and in such designated stretches, the appropriate regulations given for respective Categories shall apply.

(e) IN-SHORE AREA :

All ships and watercrafts within Nigeria territorial waters shall undergo survey and certification including ballast water management certificate issued by the appropriate maritime administration ;

10.—(1) Except for National Security and observatory purposes, the following guidelines shall be observed in the development of beach resorts or hotels in the designated areas of CRZ-III for Temporary Occupation of Tourist or Visitors, with prior approval of the Agency and as outlined in Schedules II, III and IV to these Regulations, and shall in addition obtain the requisite EIA permits.

(2) Construction of beach resorts or hotels with prior approval by the Agency in the designated areas of CRZ-III for temporary occupation of tourists or visitors shall be subject to the following conditions :

(a) the project proponent shall not undertake any construction within 200 meters in the land ward side from the High Tide Line and within the area between the Low Tide and High Tide Lines ; provided that the Agency may, after taking into account geographical features and overall Coastal Zone Management Plans, and for reasons to be recorded in writing, permit any construction subject to such conditions and restrictions as it may deem fit ;

(b) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach ;

(c) flattening of sand dunes shall not be carried out in the Zones ;

(d) permanent structures for sports facility shall not be constructed in the Zones ;

(e) construction of basements may be allowed subject to the condition that "no objection certificate" is obtained from the State Water Authority

to the effect that such construction will not adversely affect free flow of ground water in that area, and the State Water Authority shall take into consideration the guidelines issued by the Agency before granting such "No Objection Certificate" ;

(f) the total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 per cent of the plot size i.e. the FSI shall not exceed 0.33, and the open area shall be suitably landscaped with appropriate vegetal cover ;

(g) the construction shall be consistent with the surrounding landscape and local architectural style ;

(h) the overall height of construction up to highest ridge of the roof, shall not exceed 9 meters and the construction shall not be more than 2 floors meaning—ground floor plus one upper floor ;

(i) ground water shall not be tapped within 200m of the HTL ; within the 200 meters 500 meters zone, it can be tapped only with the concurrence of the Federal or State Water Board ;

(j) extraction of sand, levelling or digging of sandy stretches except for structural foundation of building swimming pool shall not be permitted within 500 meters of the High Tide Line ;

(k) the quality of treated effluents, shall conform to the minimum standards prescribed in Schedules II, III and IV to these Regulations ; and solid wastes, emissions and noise levels, etc. from the project area shall conform with the minimum standards set out in the relevant extant Regulations ;

(l) necessary arrangements for the treatment of the effluents and solid wastes shall be made as well as ensuring that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent/solid waste shall be discharged on the beach ;

(m) the project proponent shall allow public access to the beach, at least a distance of 20 meters width shall be provided between any two hotels or beach resorts ;

(n) where the project involves diversion of forest land for non-forest purposes, permits as required under the Forest Conservation Policy, shall be obtained and the requirements of other Federal and State laws as applicable to the project shall be met with ; and

(o) approval of the State or Local Government Tourism Department shall be obtained.

(3) In ecologically sensitive areas such as marine parks, mangroves, breeding and spawning grounds of fish, wildlife habitats and such other areas as may be notified by the Federal or State or Local Government construction of beach resorts or hotels shall not be permitted.

11.—(1) Ballast Water Management Plan must include the Ballast Water Management (BWM) arrangements and the associated safety procedures which shall be approved by the Agency.

(2) The following routine inspection shall be enforced :

- (a) ballast Water record book ;
- (b) ballast Water Certificate ; and
- (c) sampling and analysis of Ballast water.

(3) The following requirements are necessary for the control of Ballast water in the Nigerian territorial waters :

(a) minimising uptake of harmful aquatic organisms, pathogens and sediments by controlling uptake of ballast water in darkness, very shallow water and where propellers may stir up sediment ;

(b) routine cleaning of ballast water tanks to remove sediments shall be carried out in mid-ocean or under controlled arrangements in port or dry dock, in accordance with the provisions of the Ship Management Plan ;

(c) unnecessary discharge of ballast water shall be avoided ;

(d) ballast water exchange shall be done mid-ocean ;

(e) ballast water and sediments shall be treated and discharged to approved facilities as provided by the port State administration ; and

(f) use of suitable treatment and technologies to destroy the harmful organism in the ballast water, such as :

- (i) thermal destruction ;
- (ii) filtration ;
- (iii) disinfection ; or
- (iv) ultraviolet light.

PART II—CONDITIONS FOR OBTAINING PERMIT

12.—(1) Effective from the commencement of these Regulations, every person shall, before undertaking any development in the coastal and marine area environment, in addition to any other permit required by the Federal, State or Local Government, obtain a permit from the Agency.

(2) Under the procedure provided, permits shall be obtained from the appropriate body for minor development, provided that where the State has not developed an approved implementation and enforcement program, the permit shall be obtained from the Agency in collaboration with the State and Local Governments.

(3) Where the citing of any utility facility in the coastal area for the development, generation or transmission of energy is subject to these Regulations, permits as contained in Schedule VII to these Regulations for such facilities shall be obtained from the Agency.

(4) The Agency may issue special emergency permits under these Regulations.

(5) A special emergency permit may only be issued in extraordinary situations in which life or structural property is in imminent danger as a result of storms, sudden failure of man-made structures, or similar occurrence.

(6) A special emergency permit may carry any conditions necessary to protect public interest, consistent with the emergency situation and the impact of the proposed development.

(7) If an application for an emergency permit includes work beyond that necessary to reduce imminent dangers to life or property, the emergency permit shall be limited to activities reasonably necessary to reduce the imminent danger; while all further development shall be considered under ordinary permit procedures.

(8) The power of the Agency to issue emergency permit shall extend to all developments in areas of environmental concern, whether major or minor development.

13.—(1) General permits shall be issued by the Agency.

General
Permit.

(2) The Agency may, designate certain classes of major and minor development for which a general permit may be issued, taking into consideration :

- (a) the size of the development ;
- (b) the impact of the development on areas of environmental concern ; and
- (c) how often the class of development is carried out.

(3) The Agency may impose reasonable notice provisions and other appropriate conditions to ensure compliance with any general permit issued by it.

(4) Individual developments carried out under the provisions of a general permit shall not be subject to the mandatory notice provisions.

(5) The variance, appeals, and enforcement provisions of these Regulations shall apply to any individual development projects undertaken under a general permit.

14.—(1) Any person seeking to obtain a permit under these Regulations shall file with the Agency an application for a permit in accordance with the form and content contained in Schedule V of these Regulations.

Application
for Permit.

(2) The applicant must submit with the application a bank draft or money order payable to the Agency covering the application fee.

(3) Upon receipt of any application, a significant modification to an application for a major permit, or an application to modify substantially a previously issued major permit, the Agency shall issue public notice of the proposed development by :

(a) mailing a copy of the application or modification, or a brief description of the location of the proposed facility for inspection by the Agency ;

(b) posting or causing to be posted a notice at the location of the proposed development stating that an application, a modification of an application for a major permit, or an application to modify a previously issued major permit for development has been made, where the application or modification may be inspected, and the time period for comments ; or

(c) publishing notice of the application or modification at least once in one newspaper of general circulation in the State or States wherein the development would be located at least 20 days before final action on a major permit and at least seven days before final action on the permit or before the beginning of the hearing on a permit ;

(4) The notice shall set out that any comments on the development shall be submitted to the Agency by a specified date, not less than 30 days from the date of the newspaper publication of the notice or 30 days after mailing of the mailed notice, whichever is later ;

(5) Public notice under this sub-regulation is mandatory, except for a proposed modification to an application for a minor permit or proposed modification of a previously issued minor permit that does not substantially alter the original project ; and

(6) Upon procurement of permit from appropriate Agency, an EIA should form part of the requirement for issuance of permit.

Permit Fees.

15.—(1) The Agency shall have the power to establish a graduated fee schedule for the processing of applications for permits, renewals of permits, modifications of or transfers of permits using Schedule VI to these Regulations.

(2) In determining the fee schedule, the Agency shall consider the administrative and personnel costs incurred by processing the applications, related compliance activities, and the complexity of the development sought to be undertaken for which a permit is required under this Regulation.

(3) The fee to be charged for processing an application shall not exceed fifty thousand naira (₦50,000.00).

(4) Fees collected under this regulation shall be applied to the costs of administering these Regulations.

16. The Agency shall deny the approval for a permit upon finding in the case of :

Denial of
Permit.

(a) coastal wetlands, that the development would contravene an order that has been or could be issued ;

(b) estuarine waters, that a permit for the development would be denied pursuant to this Regulation ;

(c) a renewable resource area, that the development shall result in loss or significant reduction of continued long-range productivity that would jeopardize one or more of the water, food or fibre requirements of more than local concern identified in these Regulations ;

(d) a fragile or historic area, or other area containing environmental or natural resources of more than local significance, that the development will result in major or irreversible damage to one or more of the historic, cultural, scientific, environmental or scenic values or natural systems identified in the regulation ;

(e) areas covered by the Regulation, that the development will jeopardize the public rights or interests specified in said sub-division ;

(f) natural hazard areas, that the development would occur in one or more of the areas identified in the regulation in such a manner as to unreasonably endanger life or property ;

(g) areas which are or may be impacted by key facilities, that the development is inconsistent with the State guidelines or the local land-use plans, or would contravene any of the provisions of paragraphs (a)-(f) of this regulation ;

(h) a development that is inconsistent with the State guidelines or the local land-use plans ;

(i) considering engineering requirements and all economic costs, there is a practicable alternative that would accomplish the overall project purposes with less adverse impact on the public resources ; and

(j) a proposed development that would contribute to cumulative effects that would be inconsistent with the guidelines set forth under paragraphs (a)-(h) of this regulation.

Grant of
Permit.

17. (1) In the absence of any such findings under regulations 16(a)-(i) of these Regulations, a permit shall be granted subject to a condition requiring the applicant amending his proposal to take whatever measures or agreeing to carry out whatever terms of operation that are reasonably necessary to protect the public interest with respect to the factors enumerated under regulation 16 of these Regulations.

(2) In addition to those factors set out under regulation 16 of these Regulations and notwithstanding the provisions of sub-regulation (1) of this regulation, the Agency may deny an application for a permit upon finding that an applicant, or where the applicant is a corporation, its parent or subsidiary corporation :

(a) is conducting or has conducted any activity causing significant environmental damage for which a major development permit is required under these Regulations without having previously obtained such permit or has received a notice of violation with respect to any activity governed by these Regulation and has not complied with the notice within the time specified in the notice ; or

(b) has failed to substantially comply with State rules or local ordinances and regulations adopted pursuant to this Regulation or with other Federal and State laws, regulations, and rules for the protection of the environment.

(3) For purposes of sub-regulation (2) of this regulation, an applicant's record within two years prior to the date of application may be considered.

Withdrawal
of Permit.

18. The Agency shall withdraw the permit, where the Permit holder has contravened the condition of the permit.

PART III—OFFENCES AND PENALTIES

Offences and
Penalties.

19. It shall be an offence for a person or body corporate to :

(1) Contravene any of the stipulated procedures and guidelines as stated under regulations 10 and 12 of these Regulations.

(2) Carry out any act listed under the prohibited activities as contained under regulation 6 of these Regulations.

20.—(1) Any person who violates any of the provisions under these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ₦1,000,000.00 or imprisonment for a term not exceeding six (6) months, or to both such fine and imprisonment.

(2) Any corporate body which violates any of the provisions under these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not less than Five Million Naira (₦5,000,000.00) and an additional fine of Fifty Thousand Naira (₦50,000.00) for everyday the offence subsists.

(3) In addition to the penalty provided for under sub-regulation (1) of this regulation a person/body corporate found guilty shall be required to carry out remediation work.

PART IV—MISCELLANEOUS

21. In these Regulations unless the context otherwise requires—

Interpretation.

“Agency” means the National Environmental Standards and Regulations Enforcement Agency (NESREA) ;

“Ballast water” means water pumped into the bottom of a ship to ensure its stability ;

“Ballast water intake and discharge” means water stored in tanks on a ship to provide stability which can be pumped on or off a ship ;

“Barrier dune” means a ridge of sand created by wind found near lakes and oceans intended to prevent access ;

“Coastal area” means an interface between the land and the sea which extends inland and seawards to a variable extent ;

“Coastal area security zone” means an area within the coastal zone to which access is limited to authorised personnel and to authorised and properly escorted visitors ;

“Coastal degradation” means deterioration in the characteristics of the coastal system or environment ;

“Coastal dunes” means mobile dunes, fore dunes, secondary dunes formed during the Holocene ;

“Coastal ecosystem” means marine environment bounded by the coastal land margin (sea shore) and the continental shelf 100-200m below sea level ;

“Coastal erosion zone” means area known to or likely to be subject to shoreline movement or erosion ;

“Coastal escarpments” means cliffs rock ledges and escarpments abutting or immediately inland of the coastal shoreline ;

“Coastal estuaries” means estuaries, rivers, streams, and water courses subject to the ebb and flow of the tide and including associated flood plains and surrounding environments ;

“Coastal fortification” means an act of strengthening or reinforcing the coastal Area ;

“Coastal inlands tidal wetlands” means marshes, lagoons, mangroves, flats, at the margin of coastal waters and subject to tidal wetlands ;

“*Coastal municipality*” means an administrative entity composed of clearly defined territory and its population around the coastal zone ;

“*Coastal pollution*” means undesirable state of the coastal environment being contaminated with harmful substances as a consequent of human activities ;

“*Coastal shoreline (foreshore)*” means sand beaches and wave cut platforms generally between the low water mark and high water mark ;

“*Coastal water*” means near shore waters, gulfs and sounds including the sea bed, and reefs ;

“*Coastal wetlands*” means Ramsar wetlands, lakes and swamp immediately inland of the coastal shoreline ;

“*Coastal zone*” means the area where the ocean meets the land, which constitutes 10% of the ocean’s area but contain 90% of all marine species and include the land, seabed, marine waters, terrestrial waters and aquifers, atmosphere above, and associated areas of vegetation, animal habitat and human activity in the zone ;

“*Continental shelf of Nigeria*” includes the seabed and subsoil of the submarine area that extend beyond Nigeria’s territorial waters throughout the natural prolongation of Nigeria’s land territory to the outer edge of the continental margin, or to distance of 200 nautical miles from the baseline from which the breadth of the Nigeria’s territorial waters is measured, where the outer edged of the continental margin does not extend up to that distance and for the avoidance of doubt, any rights in the seabeds and subsoil of the continental shelf of Nigeria and its resources shall vest in the Federal Government of Nigeria. Subject to International Law and State practice, the outer limit of the Continental Shelf of Nigeria shall not exceed 350 nautical miles from the baseline from which the breadth of the territorial water is measured ;

“*Development*” means any activity in a duly designated area of environmental concern involving, or consisting of the construction or enlargement of a structure ; excavation ; dredging ; filling ; dumping ; removal of clay, silt, sand, gravel or minerals ; clearing or alteration of land as an adjunct of construction ; alteration or removal of sand dunes, alteration of shore bank, or bottom of Atlantic Ocean or Bay, River, Creek, Stream, Lake or Canal ; or placement of a floating structure in an area of environmental concern ;

“*Director-General*” means Director-General/Chief Executive Officer of NESREA ;

“*Dwelling unit*” means area of land that can occupy a family at a time ;

“*Ecology*” means the study of the relationship between living organisms and their interactions with their natural or developed environment ;

“*Economic zone*” means exclusive lands and water adjacent to the coast that exerts an influence on the uses of the sea and its ecology ;

“*Ecosystem*” means a localized group of interdependent organisms together with the environment that they inhabit and depend on ;

“*Environmental Audit (EA)*” means a management tool comprising a systematic, documented, periodic and objective evaluation of how well a project, organisation or equipment is performing with the aim of helping to safeguard the environment ;

“*Environmental Impact Assessment (EIA)*” means a process by which the environmental consequences of a proposed project or programme are evaluated and activities are analysed ;

“*Estuary*” means section of the river meeting the sea or the wide lower course of a river where the tide flows in causing fresh and salt water to mix ;

“*Excavating natural resources*” means the act or process of digging out natural resources ;

“*Existing unit*” means the available land area set aside for development ;

“*Fresh water resources*” means the network of rivers, lakes and other surface water that supply water for food production and other essential human system ;

“*Hazardous substance*” means toxic materials which are by-products of manufacturing process or nuclear process that possess threats to people and the environment ;

“*Integrated*” means a joint effort of several parties and or /the in corporation of different data sources as well as plans and information about several aspect of uses and protection of resources ;

“*Littoral movement*” means movement on or near a shore especially the zone between the high and low tide mark ;

“*Local Government*” means the governing body of any county or city which contains within its boundaries any land or waters ;

“*Major development*” is any development which requires permission, licensing, approval, certification or authorization in any form from National Environmental Standards and Regulations Enforcement Agency; or which occupies a land or water area in excess of 20 acres; or which contemplates drilling for or excavating natural resources on land or under water; or which occupies on a single parcel a structure or structures in excess of a ground area of 60,000 square feet ;

“*Management plan*” means a plan guiding overall management of an area administered by a Federal or State agency. A management plan includes objectives, goals, standards, guidelines, management action and monitoring plans ;

“*Maritime administration*” means the act of sea management ;

“*Minor development*” is any development other than a “major development.” Cumulative effects are impacts attributable to the collective effects of a number of projects and include the effects of additional projects similar to the requested permit in areas available for development in the vicinity ;

“*Natural resources*” means a naturally occurring exploitable material ;

“*Outfalls*” means the outlet of sewer, drain and stream especially when it empties into a larger body of water ;

“*Parklands*” means the land contained within a park, especially when the grass land contains shrubs and trees ;

“*Person*” means natural or juristic personality ;

“*Plinth area*” means block of stones constructed to check intrusion of water that leads to pollution ;

“*Protected territory*” means a geographic area that is owned, controlled and protected by a government or country ;

“*Protection*” means keeping the coastal and marine areas safe from harm and destruction of the ecosystem ;

“*Recreation area*” means activities area which are relaxing to human and which provide diversion from normal routine ;

“*Relevant MDAs*” means Federal Ministries, Departments and Agencies ;

“*Reserve buffer area*” means a designated area along the perimeter of a stream or wetland that is regulated to control (resist or absorb) the negative effect of adjacent development from introducing into the natural area beyond the buffer ;

“*River delta*” means a river land form where the mouth of the river flows into an ocean, sea, desert, lake and estuary ;

“*Scenic vistas*” means a natural scenery or beauty of the coastal area ;

“*Shore-bank*” means the land along the edge of an ocean, sea, river or coast ;

“*Shore-line*” means the land along side navigable waterways between the high and low water mark ;

“*Sustainable use*” means the present use which does not compromise the right to use the same resource by future generations ;

“*Thoroughfares*” means a stretch of water or a path way between two places that is used by many people ;

“*Transitional provision*” means the process or period in which something undergo a change and passes from one state, stage, form or activity to another ;

SCHEDULE I *Regulation 6 (b)*

List of Petroleum Products Permitted for Storage in Port Areas located in CRZs except CRZ I.

- (i) Crude Oil ;
- (ii) Liquefied Petroleum Gas ;
- (iii) Motor Spirit ;
- (iv) Kerosene ;
- (v) Aviation Fuel ;
- (vi) High Speed Diesel ;
- (vii) Lubricating Oil ;
- (viii) Butane ;
- (ix) Propane ;
- (x) Compressed Natural Gas ;
- (xi) Naphtha ;
- (xii) Furnace Oil ;
- (xiii) Low Sulphur Heavy Stock ;
- (xiv) Liquefied Natural Gas (LNG).

SCHEDULE II *Regulation 10 (1),(2)(k)*

EFFLUENT LIMITATION GUIDELINES IN NIGERIA FOR ALL CATEGORIES OF INDUSTRIES

*Units in milligram per litre
(mg/l) unless otherwise stated.*

<i>Parameter Water</i>	<i>Units</i>	<i>Limit for Discharge into surface water</i>
Temperature, °C	°C	Less than 40°C within 15 meter of outfall
Colour (Lovibond Units)		7 (436nm, Yellow) 5 (525nm, Red) 3 (620nm, Blue)
pH	—	6-9
BOD ₅ at 20 °C	mg/l	30 (in the next 5-20 years)
Total Suspended Solids (TSS)	mg/l	25
Total Dissolved Solids (TDS)	mg/l	2,000
Chloride (as Cl ⁻)	mg/l	600
Sulphate (as SO ₄ ²⁻)	mg/l	500
Sulphide (as S ²⁻)	mg/l	1
Cyanide (as CN ⁻)	mg/l	0.1
Detergents (Linear alkylate		
Sulphonate as methylene		
blue active substance) (LAS)		15
Oil and grease	mg/l	10

EFFLUENT LIMITATION GUIDELINES IN NIGERIA FOR ALL CATEGORIES OF INDUSTRIES

*Units in milligram per litre
(mg/l) unless otherwise stated.—Continued*

<i>Parameter Water</i>	<i>Units</i>	<i>Limit for Discharge into surface water</i>
Nitrate (as NO ₂ ⁻)	mg/l	10
Phosphate (as PO ₄ ³⁻)	mg/l	5
Arsenic (as As)	mg/l	0.1
Barium (as Ba)	mg/l	5
Tin (as Sn)	mg/l	10
Iron (as Fe)	—	20
Manganese (as Mn)	—	5
Phenolic compounds (as phenol)	—	0.2
Chlorine (free)	mg/l	0.5
Cadmium, Cd	mg/l	0.02
Chromium (trivalent and hexavalent)	mg/l	0.5
Copper	mg/l	0.01
Lead	mg/l	0.5
Mercury	mg/l	0.05
Nickel	mg/l	1.0
Selenium	mg/l	0.5
Silver	mg/l	0.1
Zinc	mg/l	0.5
Total metals	—	3
Calcium (as Ca ²⁺)	—	200
Magnesium (as Mg ²⁺)	—	200
Boron (as B)	—	5
Alkyl mercury compounds	—	Not detectable
Polychlorinated Biphenyl (PCBs)	—	0.003
Pesticides (Total)	mg/l	0.05
Alpha emitters	uc/ml	10 ⁻⁷
Beta emitters	uc/ml	10 ⁻⁶
Coliform (daily average)	MPN/ 100	400 MPN
Suspended fibre	—	—
Detergents (as LAS)	mg/l	15
Toxicity to fish	—	2

At the edge scientifically established mixing zone which takes into account ambient water quality, receiving water use, potential receptions and assimilative capacity, the effluent should result in a temperature increase of no more than 3°C at the edge of the zone where initial mixing and dilution takes place. Where the zone is not defined, use 100 meters from the point of discharge. Note: Effluent requirements are for direct discharge to surface waters. The liquid effluent should not be coloured.

SCHEDULE III *Regulation 10(2)(k)*

EFFLUENT LIMITATION FOR NEARSHORE OIL AND GAS INSTALLATIONS
FOR OILY WASTE WATER

<i>Pollutants or Effluent Characteristics</i>	<i>Units</i>	<i>Compliance Limit : Maximum for any Conservative 30 day Period Nearshore</i>
pH	—	6.5-8.5
Temperature,	°C	30
Total Hydrocarbon Content	mg/l	20
Salinity as Cl	mg/l	2,000
Turbidity, NTU	—	Less than 15% (of receiving medium)
Total Dissolved Solids (TDS)	mg/l	5,000
Total Suspended Solids (TSS)	mg/l	Less than 50% (of receiving medium)
COD	mg/l	125
BOD ₅	mg/l	125
Pb ⁺⁵	mg/l	No limit
Total Iron (Fe)	mg/l	No limit
Cu ⁺²	mg/l	-do-
Cr ⁺⁶ (total)	mg/l	0.5
Zn ⁺²	mg/l	5

SCHEDULE IV Regulation (10)(2)(k)

EFFLUENT LIMITATION ON THE TREATED LIQUID COMPONENT (AQUEOUS LAYER)
OF WASTE FROM DRILLING ACTIVITIES FROM NEARSHORE/INLAND AREAS)
BEFORE THE DISPOSAL INTO WATER BODIES

Pollutants or Effluent Characteristics	Units	Values (Once/Day during Discharge)	
		Inland (Fresh Waters)	Nearshore (Brackish/Saline Waters)
pH		6.5-8.5	6.5-8.5
Temperature, °C	°C	25	30
Total Hydrocarbon Content	mg/l	10	20
Salinity as Chloride	mg/l	600	2,000
Chemical Oxygen Demand COD	mg/l	10	125
Turbidity, NTU	mg/l	10	15
Total Dissolved Solids (TDS)	mg/l	2,000	5,000
Total Suspended Solids (TSS)	mg/l	30	50
Odour	—	Unobjectionable	Unobjectionable
Pb ⁺²	mg/l	0.05	No limit
Total Iron (Fe)	mg/l	1.0	No limit
Cu ⁺²	mg/l	1.5	-do-
Zn ⁺²	mg/l	1.0	5
Cr ⁺⁶ (total)	mg/l	0.03	0.5

SCHEDULE V

Regulation 14 (1)

FEDERAL REPUBLIC OF NIGERIA

THE NATIONAL ENVIRONMENTAL STANDARDS AND REGULATIONS

ENFORCEMENT AGENCY

THE NATIONAL ENVIRONMENTAL (COASTAL AND MARINE AREA PROTECTION)

REGULATION, 2011

APPLICATION FOR PERMIT

I hereby apply for a permit to carry out activities in Coastal and Marine Area.

Particulars are given below :

Name and address of applicant.....

Location of coastal and marine area (Village, LGA, State)

Activities to be carried out :

Estimated life span of activity :

Proposed shore line covered (in Km) for the activities :

Executive summary of Environmental Impact Assessment (please attach where applicable).....

Any other information :

Date..... Signature.....

For Official Use Only

Application received by :

Director-General/CEO
National Environmental Standards and
Regulations Enforcement Agency, Abuja.

On..... Date..... Fee Paid ₦

Amount in words
.....

SCHEDULE VI *Regulation 15(1)*

FEDERAL REPUBLIC OF NIGERIA
 THE NATIONAL ENVIRONMENTAL STANDARDS AND REGULATIONS
 ENFORCEMENT AGENCY
 THE NATIONAL ENVIRONMENTAL (COASTAL AND MARINE AREA PROTECTION)
 REGULATION, 2011

FEE REQUIREMENT FOR PERMIT :

1. Application for a permit to carry out activities in coastal and marine area. ₦2,000.00
2. Application for grant of a permit for special use coastal and marine area. ₦2,000.00
3. Grant of permit for use of coastal and marine area. ₦50,000.00

REGISTER OF COASTAL AND MARINE AREA

Registration No. NESREA/CMA

Name of the coast/ marine area

Location (Village, LGA, State)

Extent of the coastal/ marine line (in Km)

Nature of the environmental degradation occurring /likely to occur

.....

Remarks

.....

Signature..... Date :

Honorable Minister
 Federal Ministry of Environment

SCHEDULE VII *Regualtion 12(3)*
NATIONAL ENVIRONMENTAL (COASTAL AND MARINE AREA PROTECTION)
REGULATION, 2011

PERMIT FOR COASTAL AND MARINE AREA DEVELOPMENT
COASTAL AND MARINE AREA PERMIT

Permit No. :

Name :

Address :

Having satisfied all the requirements on the application form and with other relevant permits, you are hereby permitted to carry out Activities on this.....(in metres or hectares) of land.

Located at :

This permit is granted valid from (date).....toand subjected to the following conditions :

(i).....

(ii).....

(iii).....

Signature..... Date

MADE at Abuja this 28th day of April, 2011.

MR JOHN ODEY
Honourable Minister,
Federal Ministry of Environment

Application received by
Director-General/CEO
National Environmental Standards and
Regulation Enforcement Agency Abuja

Date Time For Page N
Approved by
Director-General/CEO