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EXTRAORDINARY

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(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B. 4/81(ii).

THE NATIONAL ENVIRONMENTAL ACT, No. 47 OF 1980

Order under Section 24C and Section 24 D

BY virtue of the powers vested in me by Section 24C and Section 24D of the National Environmental Act, No. 47 of 1980, I, Patali Champika Ranawaka, Minister of Environment and Natural Resources, do by this Order, declare —

- (a) that the area of land, the limits of which are described in Schedule I hereto shall be an Environmental protection area for the purposes of the aforesaid Act and shall be called the “Maragala Mountain Range Environmental Protection Area”; and
- (b) that for so long as this Order is in force—
 - (i) any planning scheme or project within the aforesaid Maragala Mountain Range Environmental Protection Area which is in conflict with the provisions of the aforesaid Act, shall cease to operate from the date of the making hereof;
 - (ii) no person other than the Central Environmental Authority shall exercise any powers or discharge any functions within the limits of the aforesaid Maragala Mountain Range Environmental Protection Area;
 - (iii) the powers and functions of the Central Environmental Authority (Permitted Uses) shall in relation to the aforesaid Maragala Mountain Range Environmental Protection Area, be limited to those specified in Schedule II to this Order and shall be exercised and discharged in accordance with the conditions specified in Schedule III hereto.

For the purposes of this Order “Central Environmental authority” means the Authority established under the National Environmental Act, No. 47 of 1980.

PATALI CHAMPIKA RANAWAKA,
Minister of Environment and Natural Resources.

Colombo,
09th July, 2008.

SCHEDULE I

LIMITS OF THE MARAGALA MOUNTAIN RANGE ENVIRONMENTAL PROTECTION AREA

- North* : From a line drawn along the 259th kilometre post upto the 263rd kilometer post on the Monaragala - Ampara main Road ;
- East* : from the last mentioned point upto the 31st junction situated close to 268th kilometer post on the Monaragala - Ampara main Road from the last mentioned point along the Kolonvinna Road via Viharamulla and Weragala Junctions till it meets the Thenagalalanda - Monaragala Road (at Wedekumbura Junction) ;
- South* : from the last mentioned point upto Kaudawa Junction on the Monaragala - Ampara main Road ; and
- West* : from the last mentioned point up to the Rest House Junction via Viharamulla located close to 252nd kilometer post on the Monaragala - Ampara main Road and from that point up to the 259th kilometer post on the Monaragala - Ampara main Road.

SCHEDULE II

PERMITTED USES

Uses permitted in the area of the land specified in Schedule I up to the 1000 Feet contour line :-

1. Construction and infrastructure development of whatever nature ;
2. Agricultural activities ;
3. Tourism and recreational activities ;
4. Parks, play grounds ;
5. Education and Research activities ;
6. Reforestation and plant nurseries ;
7. Drinking water projects ; and
8. Housing construction.

Uses permitted in the area of land specified in Schedule I from the 1000 feet contour line to the summit of the Maragala Range :-

1. Reforestation and Perennial crops ;
2. Education, religious and research activities ;
3. Camping sites , nature trails ;
4. Develop and maintain existing residential buildings ;
5. Water supply projects ; and
6. Development of infrastructure related to permitted activities.

SCHEDULE III

CONDITIONS SUBJECT TO WHICH PERMITTED USES ARE TO BE CARRIED OUT

1. A Management Committee hereafter called Maragala Mountain Range Environmental Protection Area Management Committee (MMREPAMC) consisting of representatives of the Ministry of Environmental and Natural Resources, the Department of Forest, the Urban Development Authority, the Geological survey and minus bureau, a person to represent the NGO's which area actively engaged in projects within the area who shall be nominated by the Secretary to the Ministry of the Minister to whom the subject of Environment is assigned, relevant Divisional Secretaries and relevant local authorities shall be established to evaluation of project proposals, making

recommendation and guidelines, granting approval and monitoring. The committee shall be functioned under the Chairmanship of the District Secretary of Monaragala and an officer nominated by the Central Environmental Authority Acts as the Secretary to this Committee.

2. All the applications with regard to proposed development, extension and alteration activities within this area, received by the LAA and other government institutions should be forwarded to Uva Provincial office of the CEA with a copy to the District Secretariat to obtain license/approval from the MMREPAMC which specified Schedule III.

3. If any of the permitted uses described in Schedule II is a prescribed project under part IV C of the National Environmental Act, the necessary approval should be obtained from the CEA accordingly.

4. If any of the permitted uses described in Schedule II is not a prescribed project under Part IV C of the National Environmental Act, an Environmental Assessment should be carried out in accordance with provisions 10 H of the said Act, prior to obtaining the approval of the MMREPAMC. Approval shall not be necessary for Housing construction and Agricultural activities. The decisions of the MMREPAMC is the final regarding these projects.

5. Execution of all development activities should be in compliance with the stipulated conditions as approved by the MMREPAMC.

6. The Management Committee stated in Schedule II shall act as the Monitoring committee.

7. No barriers or activities which hinder the sustainability of the Environmental Protection Area will be permitted. Any barrier or activity so erect or carried out shall be forthwith removed or stopped by the CEA.

8. If the MMREPAMC feels that any particular case should be decided on only with further consultation with any other organization/s other than those represented in the committee, they may co-opt a representative from that agency to serve during the process of the granting approval.

9. All areas of outstanding landscape/wildlife habitats/cultural historical sites should be conserved.

10. Developments shall be carried out without disturbing vitally important plant and animal habitats.

11. Exotic animals and plants species which posses invasive characteristics should not be introduced to the Environmental Protection Area.

12. Articial and mechanized mining are not allowed within the Environmental Protection Area. However, if it is an obstruction or hindrance to the implementation of the permitted uses described in Schedule II, such minerals could be removed with the prior approval of the MMREPAMC Committee.

13. The use of agro-chemicals within the Maragala Mountain Range Environmental Protection Area should be discouraged.

14. An administrative Levy Scheme be prepared and adopted by the Central Environmental Authority, in order to process and evaluate any project proposal and monitor the project activities.

15. In the event of any violation of a condition imposed by MMREPAMC, the Director General of the CEA should direct the relevant local authority to take steps for the cancellation of the license or permit issued.

16. The owners of any buildings, premises or other structures within the Maragala Mountain Range Environmental Protection Area shall be required to keep such building, premises or other structures in an environmentally friendly manner in good repair and in keeping with the by - laws relating to sanitation of the relevant local authority.