

Law No. 10.019 of 3 July 1998.

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Administration of Mario Covas
Re: Environment)

Establishes the State Coastal Management Plan and sets forth other provisions.

I, the Governor of the State of Sao Paulo:

hereby state that the Legislative Assembly has decreed, and I have promulgated the following law:

Preliminary Provision

Article 1. This law establishes the State Coastal Management Plan, sets its objectives and guidelines, and defines the instruments for its preparation, approval and execution.

Chapter I Definitions

Article 2. For the purposes provided for in this law, the following definitions shall hold:

I -- Coastal Zone: the geographic area delimited, on land, by the dividing line of the waters of the Atlantic watershed on Sao Paulo territory, and in the maritime area at the 23.6-meter isobath represented on the largest-scale maps of the Hydrographics and Navigation Office of the Coastal Ministry. It covers all ecosystems and natural resources existing on the land, transition and sea segments.

II -- Coastal Management: the combination of activities and procedures which, by means of specific instruments, permits management of the natural resources of the Coastal Zone, in integrated and participative fashion, with a view to improving the quality of life of the local populations, both fixed and migrant, to promote the sustained development of the region, adapting human activities to the regeneration capacity of the renewable natural resources and functions and to not compromising the natural functions inherent in non-renewable resources;

III -- Ecological Economic Zoning: the basic planning instrument which establishes, through public discussion of its technical recommendations, including at the municipal level, the norms for land use and occupation and for the administration of natural resources in specific zones,

defined on the basis of analyses of their ecological and socioeconomic characteristics; and

IV -- Action and Management Plan: the combination of integrated sectoral projects consistent with the guidelines established in the ecological economic zoning process, prepared by the Coordination Group consisting of the State, Municipalities and organized Civil Society.

Article 3. For purposes of the State Coastal Management Plan, the Coastal Zone is divided into the following sectors:

I -- Northern Coast;

II -- Santos Depression;

II -- Iguape-Cananeia Estuary Lagoon Complex;

IV -- Ribeira Valley.

Sole paragraph. The coastal sectors are delimited and defined in the respective zoning areas.

Chapter II Objectives

Article 4. The general objective of the State Coastal Management Plan is to define and rationalize the use of natural resources in the Coastal Zone by means of appropriate instruments, with a view to improving the quality of life of the local populations and protecting the coastal ecosystems, under conditions that ensure environmental quality, in accordance with the following specific objectives:

I -- consistency between uses and human activities while ensuring environmental quality, by harmonizing the social and economic interests of the external or local agents, without prejudice to municipal jurisdiction in the same matters;

II -- control of land use and occupation and the exploitation of natural resources (land, transition and water areas) throughout the entire Coastal Zone, with a view toward:

a) the eradication of predatory exploitation of natural resources;

b) preventing the degradation and/or overuse of the

coastal ecosystems;

c) minimizing conflicts and competition between uses and activities; and

d) optimizing the productive processes of the economic activities, with a view to the regions environmental limitations;

III -- protection and restoration of significant areas representing coastal ecosystems, as well as the recovery and/or restoration of those that have been changed and/or damaged;

IV -- guarantee of maintenance of the ecosystems, which shall be ensured through an evaluation of the environmental support capacity vis-a-vis social needs to improve the quality of life and the objective of sustained development of the region;

V -- guaranteed stabilization and development of the local populations, by means of land reform, procedures to facilitate their access to the sustained exploitation of natural resources, and technical advising for the implementation of new economic activities or for the improvement of those already developed, in accordance with the region's environmental limitations; and

VI -- integrated, decentralized and participative planning and management of human activities in the Coastal Zone.

Chapter III Goals and Guidelines

Article 5. The goals of the State Coastal Management Plan are the following:

I -- defining the ecological economic zoning and the respective environmental planning norms and guidelines for each coastal sector, jointly with the Municipalities;

II -- developing government actions in the Coastal Zone, in an integrated fashion with the municipal governments and sectoral agencies operating in the region;

III -- implementing monitoring programs, with a view to the protection, control, monitoring, recovery and environmental planning administration of natural resources in the coastal sectors;

IV -- implementing the Coastal Management Information System; and

V -- implementing the mechanisms for participation by and consultation with the coastal communities on the coastal administration action and management plans, jointly with the Municipalities.

Article 6. The State Coastal Management Plan must conform to the following guidelines:

I -- protecting ecosystems as a whole, with a view to ensuring their ecological functions, biological diversity and potential for use in accordance with their support capability;

II -- promoting improved living conditions for the populations, and encouraging the stabilization of traditional communities;

III -- fomenting the appropriate use of natural resources, ensuring the functional stability of the ecosystems;

IV -- evaluating the environmental support capacity of the areas capable of occupation, in order to define the usage levels of non-renewable resources and to ensure the regeneration capabilities of renewable resources;

V -- ensuring the harmonic integration of the Coastal Zone with other regions influencing it or influenced by it;

VI -- developing local potential, in collaboration with the municipal administrations, consistent with the existing skills in areas of specific interest to the Municipalities, and in accordance with the goals and objectives of socioeconomic development and increasing the quality of life, consistent with prior environmental evaluations;

VII -- ensuring the mitigation of any impacts on the Coastal Zone which may arise from neighboring regions; and

VIII -- promoting the recovery of degraded areas, adapting them to the guidelines established for Ecological-Economic Zoning.

Chapter IV Management System

Article 7. The State Coastal Management Plan will be prepared jointly with the State, the Municipalities and

organized Civil Society.

Article 8. The State Executive Authority shall establish:

I -- the State Coordination Group, as provided for in item 7.2 of the National Coastal Management Plan approved by CIRM Resolution No. 5/97, with the responsibility for preparing the State Coastal Management Plan; and

II -- in each of the coastal sectors provided for in article 3 of this law, a Sectoral Coordination Group, with responsibility for preparing the Ecological-Economic Zoning and the Action and Management Plans.

Paragraph 1. Each Sectoral Coordination Group shall consist of the following proportions: 1/3 representatives from the State Government, 1/3 representatives from the Municipalities comprising the coastal sector, and 1/3 representatives from organized Civil Society, based in and with activities in the coastal sector.

Paragraph 2. The State Coordination Group shall also consist of the following proportions: 1/3 State representatives, 1/3 representatives from the Municipalities, and 1/3 representatives from organized Civil Society, chosen, in identical numbers, from among the representatives of each Sectoral Coordination Group.

Chapter V Management Instruments

Article 9. The following are instruments that the State Coastal Management Plan shall use to attain the projected goals:

I -- Ecological-Economic Zoning;

II -- Information System;

III -- Action and Management Plans;

IV -- Control; and

V -- Monitoring.

Article 10. The objective of Ecological-Economic Zoning is to identify the territorial units which, by means of their physical, biological and socioeconomic features, as well as through their internal dynamics and contrasts, must be subject to special definition, with a view to undertaking actions capable of leading to the use,

maintenance or recovery of their environmental quality and productive potential.

Sole paragraph. The Zoning shall define the environmental and socioeconomic, rural, urban and aquatic norms and goals to be achieved by means of socioeconomic environmental management programs.

Article 11. The territorial units mentioned in the preceding article fall within the following zone types:

I -- Z-1 -- A zone that maintains the original ecosystems in full environmental equilibrium, with the presence of a diversified composition of species and a functional organization capable of maintaining a balanced, integrated and adapted community of organisms in sustained fashion, in which low-impact human activities may occur;

II -- Z-2 -- A zone that shows changes in the functional organization of the primitive ecosystems, but is capable of maintaining a balanced community of organisms of varying levels of diversity, even despite the occurrence of intermittent or low-impact human activities. In land areas, this zone may present dispersed human settlements of low population, with little integration between each other;

III -- Z-3 -- A zone that presents primitive ecosystems, subject to natural regeneration with difficulty, which have been partially altered by the exploitation, suppression or substitution of some of its components, because of the occurrence of areas of human settlement with greater integration between each other;

IV -- Z-4 -- A zone that presents primitive ecosystems that have been significantly altered by the suppression of components, overuse of the land and marine substrata, changes in drainage or hydrodynamics, and the occurrence, in land areas, of discontinuous and interlinked rural or peri-urban settlements, requiring intervention in order for partial regeneration to take place; and

V -- Z-5 -- A zone that presents the highest proportion of components of primitive degraded or suppressed ecosystems, and eliminated functional organization.

Article 12. In the zones defined in the preceding article, only the following uses shall be permitted:

I -- Z-1 -- preservation and conservation, scientific research, environmental education, self-sustained

administration, ecotourism, subsistence fishing and human occupation, in order to maintain the characteristics of the zones defined in the preceding article;

II -- Z-2 -- all uses mentioned above and, depending upon the degree of alteration of the ecosystems, sustained management, aquaculture and mining based on the Regional Mining Master Plan to be established by the entities with jurisdiction;

III -- Z-3 -- all uses mentioned above and, depending upon the degree of alteration of the ecosystems, farming and ranching, logging and industrial fishing in units in which such activities are possible;

IV -- Z-4 -- all uses mentioned above, plus discontinuous urban settlements restricted to the units in which such activities are possible, depending upon the regulation of the zones established for the coastal sectors; and

V -- Z-5 -- in addition to the uses mentioned above, urban settlement, industrial, tourism, nautical and air-road-port activities, as set forth in municipal law.

Paragraph 1. Self-sustained and sustained administration of fauna and flora, as well as ecotourism, shall be covered by specific regulation.

Paragraph 2. Subsistence activities shall be permitted throughout the Coastal Zone regardless of zoning, until such time as the special technical and legal adaptation programs are implemented and regulated.

Article 13. Ecological-Economic Zoning shall be established by decree, which shall cover the various zones and their uses, pursuant to this law.

Paragraph 1. The classification of the various types of zone shall be made not necessarily in accordance with current characteristics, but with respect to the dynamics of territorial occupation and with the socioeconomic development and environmental protection goals to be achieved through integrated action and management plans consistent with the regional and municipal master plans and, in their absence, with the municipal land use and occupation laws.

Paragraph 2. For purposes of regulation, the established zones may be divided into defined administration sub-zones, constituting usage units, with a view to implementing

control of the action and management plans.

Article 14. The Action and Management Plans shall be issued by decree and must contain the following:

I -- area of activity and boundaries;

II -- objectives;

III -- goals;

IV -- execution period;

V -- governmental and non-governmental organizations involved;

VI -- cost;

VII -- funding sources; and

VIII -- forms of applying the funding.

Paragraph 1. For purposes of executing the Plans discussed in this article, resources shall be allocated from the budgets of the agencies or entities of the Direct or Indirect State Public Administration, as well as from agencies in other spheres of the Federation and contributors from the private sector, through agreements and/or contracts.

Paragraph 2. Scientific and technological activities that promote improvements in the quality of life of the local population shall be favored, specifically those for which their only means of subsistence involves natural resources.

Chapter VI General Provisions

Article 15. The zoning decrees shall define the activities that will be subject to prior environmental licensing, without prejudice to the other required licenses.

Sole paragraph. Licensing and monitoring shall be carried out based on the norms and criteria established in the Ecological-Economic Zoning procedure, without prejudice to the provisions of the other specific federal, state and municipal norms, as well as the requirements of the agencies with jurisdiction.

Article 16. The use of borrowed materials for landfill

shall be subject to an environmental license, which must conform to the criteria and norms established by specific law, including at the municipal level.

Article 17. Expansions or changes to projects or activities already existing on the publication date of this law, which are found to violate the regulations and directives of the Ecological-Economic Zoning procedure, shall only be permitted if they do not exacerbate the situation of non-conformance.

Article 18. The Ecological-Economic Zoning procedures and the Action and Management Plans shall be prepared by the respective Sectoral Coordination Groups, as provided for in article 8 of this law, and their provisions shall be made consistent with the relevant municipal laws.

Article 19. The following activities shall be prohibited throughout the entire Coastal Zone, without prejudice to the specific legal provisions:

- I -- trade in lumber outside the region;
- II -- dragnet fishing using pairs of vessels; and
- III -- use of organochloride agricultural pesticides in farming and ranching.

Article 20. Notwithstanding the obligation to repair any harm caused, violators of the provisions of this law and of the regulatory norms deriving therefrom shall be subject to the following penalties:

- I -- warning;
- II -- fine of 1,000 to 100,000 times the value of the UFIR (Tax Reference Unit);
- III -- temporary or permanent prohibition from engaging in the activity;
- IV -- attachment; and
- V -- demolition.

Paragraph 1. The fine shall be collected in accordance with the UFIR value or such other index as may replace it on the actual payment date.

Paragraph 2. In specific cases of repeat violation, the

fine shall correspond to double the previous amount.

Paragraph 3. Of the amounts collected through the payment of fines regulated by this article, 50% (fifty percent) shall be passed on to the Municipalities from which they originated.

Paragraph 4. The penalties shall be applied in accordance with the seriousness of the violation, the violators compliance history, and attenuating and aggravating circumstances, in accordance with the regulations of this law.

Article 21. Zoning regulations in the Coastal Sectors must be issued by decree within the following periods, as of the publication of this law:

I -- Iguape-Cananeia Estuary Lagoon Complex, within 90 (ninety) days;

II -- Northern Coast, within 180 (one hundred eighty) days;

III -- Ribeira Valley, within 360 (three hundred sixty) days;

IV -- Santos Depression, within 480 (four hundred eighty) days.

Article 22. In order to cover the expenses resulting from the application of this law, the Executive Authorities shall be authorized to:

I -- engage special loans up to a maximum of R 1.00 (one Brazilian real);

II -- undertake the incorporation into the current budget of budget classifications (functional programmatical) included in the loans authorized in section I, promoting, if necessary, the opening of additional supplementary loans.

Sole paragraph. The values of the additional loans to which this article refers shall be covered in the form provided for in paragraph 1, article 43 of federal law No. 4,320 of 17 March 1964.

Article 23. This law shall enter into force on the date of its publication.

Bandeirantes Palace, 3 July 1998.

Mario Covas

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