

## **Government Decree**

### **On Approval of Regulations on Water Protective Zones and Strips of Water Sites in the Kyrghyz Republic**

In order to implement the decree of Jogorku Kenesh of the Kyrghyz Republic of 14 January 1994 # 1423-XII "On the Order of Introduction into Force of the Law of the Kyrghyz Republic "On Water", to ensure an unified order of establishment of water protective zones and strips of water sites, regimes of economic usage of lands around these zones, the Governemnt of the Kyrghyz Republic decrees:

1. To approve the attached Regulations on water protective zones and strips of water sites in the Kyrghyz Republic.
2. To oblast, rayon state administrations, local administrations of Bishkek and Osh together with bodies of the State Committee of the Kyrghyz Republic on Protection of Nature to determine by 1997 in accordance with these Regulations the minimum number of water protective zones and strips of water sites as well as enterprises, organisations for development of water protective schemes and to take measures as soon as possible.
3. The function of control over the development of water protecrive schemes, measures and observance of the regime for the use of the territories of water protective zones and strips of water sites in strict accordance with these Regulations is vested with local state administrations, local administrations of Bishkek and Osh, the State Committee of the Kyrghyz Republic on Protection of Nature and its local branches.
4. To consider invalid the decrees of the Government of the Kyrghyz SSR:
  - of 7 January 1982 # 4 "On Approval of Regulations on Water Protective Zones of Small Rivers of the Kyrghyz SSR";
  - of 29 December 1986 # 603 "On Approval of Regulations on Water Protective Zones of Reservoirs of the Kyrghyz SSR";

A.Djumagulov  
Prime-Minister of the Kyrghyz Republic

## **Regulations**

### **On Water Protective Zones and Strips of Water Sites in the Kyrgyz Republic**

#### **I. General Provisions**

1. These Regulations are developed in accordance with Laws of the Kyrgyz Republic "On Water", "On Protection of Nature", the Forest Code of the Kyrgyz Republic and other legislative acts of the Kyrgyz Republic and apply to water protective zones of rivers, lakes, ponds, reservoirs and canals (hereinafter - water sites).
2. The Regulations determine the manner of establishment of water protective zones and strips of water sites of the Kyrgyz Republic, the regime of economic activities and use of lands which are part of the water protective zones and strips as well as responsibility to maintain them in a proper condition.
3. Establishment of water protective zones and strips does not mean that there is no need for a drain strip along canals, zones of sanitary protection of water source, used for water supply for consumption and economic needs, sanitary zones for fishing reservoirs as well as for districts of sanitary protection of resorts where there are water sites used for medical and other sanitary needs of the public, with boundaries and regimes of use established in accordance with laws of the Kyrgyz Republic.
4. The boundaries of water protective zones and strips are established with regard to geographical, soil, hydro-geological conditions, purpose of the water site or its parts, type of relief as well as interests of the water users.
5. The boundaries of water protective zones and coastal strips are marked on maps - plans of land users of the water fund and water protective zones, general plans for construction, etc.

On the ground the boundaries of coastal strips are marked by clearly seen marks only in city districts, industrial centres, recreational places and in places of intensive agricultural use of lands.

6. During establishment of dimensions of water protective zones and strips and their regimes it is necessary to observe requirements of these Regulations.

#### **II. The Competence of State Bodies**

7. The function of establishment of water protective zones and strips of water sites is vested with oblast and rayon state administrations and on the ground - with the owners of water sites who inform all appropriate amalgamations, enterprises, institutions, organisations and citizens on the dimensions of water protective zones and strips of water sites as well as on the water protective regime which is effective for their territories.

8. Preparation and submitting of proposals on establishment of water protective zones and coastal strips of water sites shall be ensured by the bodies of the State Committee of the Kyrgyz Republic on Nature Protection.
9. The dimensions of water protective zones and strips of water sites, manner of land use as well as draft schemes for water protection shall be approved by:
  - rayon state administrations if water sites are on the territory of their rayons;
  - oblast state administrations for lakes and water storage basins which are on the territory of two and more rayons;
  - the Government of the Kyrgyz Republic if a lake or water storage basin is located on the territory of two oblasts as well as for rivers of international significance.

### III. Main Requirements

10. Within the boundaries of water protective zones and strips of water sites it is prohibited:
  - a) to organise stock-raising farms, poultry farms, collectors of drainage water from stock-raising farms, irrigation systems with the use of drainage water containing dung, cattle burial ground, places for burial or storing of dung, dumps of garbage of industrial wastes, mechanical workshops as well as garages, gas stations and auto washing;
  - b) to construct new enterprises, expand and restructure existing enterprises;
  - c) to construct runways for agricultural aviation and for dipping sheep;
  - d) to store fuel and lubricants, construct warehouses for storing chemical weed and pest killers and mineral fertilisers, sites for filling equipment with chemical weed and pest killers;
  - e) to place sewage equipment and other sites which effect the quality of water;
  - f) to process agricultural fields and forests with chemical weed and pest killers and mineral fertilisers from planes at the distance of less than 2,000 m from the inner boundary of the water protective zone of the water site;
  - g) to store unused pesticides, their waste as well as packaging materials contaminated with pesticides;
  - h) to cut down trees and bushes except in case of sanitary felling;
  - i) to spread fertilizers on snow, use waste water containing dung as fertilizers, use persistent chlorine organic chemical weed and pest killers;
  - j) to scour wool and soak skins;
  - k) to pasture of cattle especially on the drainage elements;
  - l) to drain sewage into water storage basins, rivers, gullies and ditches with constant or temporary water supply lines;
  - m) to wash out water meadow lakes and old beds of rivers, to work quarries without approval of bodies of state control over protection of nature and use of natural resources;
  - n) to do other work which effects the condition of water sites;

Besides the above-mentioned limitations within the coastal water protective strip it is also prohibited to organise:

- summer camps for cattle;
- tent towns and recreation areas;
- hunters', fishermen's and tourists' stopping places;
- parking lots and washing of vehicles;

11. On the territory of water sites where there are already organised recreation areas or to be organised, water protective measures and regime of their use are determined in accordance with laws.

#### IV. Water Protective Zones

12. The water protective zones is a territory adjacent to the defined area of water of the water site on which a special regime to prevent its contamination, emaciation and forming silt is established.

13. The inner boundary of the water protective zone from the side of the defined area of water is:

- for lakes, ponds, rivers and canals - the average for several years water edge;
- for reservoirs- the water edge under the normal level of water;

14. The outer boundary of the water protective zone is established at the most distant boundary of the water site which is determined by:

- the zone of the estimate treatment of banks for 50 years (zone limiting new construction);
- the zone of erosive activity including the narrow of the gutter, ditch and gully which directly flow into the water site, eroded lands adjacent to the water source by anti-erosive strip along the reservoir, ditches and gullies;
- the zone of temporary inundation of lands with the highest level of water site;
- the zone of permanent or higher level of ground water by the maximum permissible depth:

1 m - for agricultural lands lands;

2 m - for villages;

3 m - for cities and towns;

- the outer boundary of state forests under protection, at the distance of 3 km from the inner boundary of the water protective zone of the water site.

15. Water protective zones are specified on the ground with regard to specific conditions and co-ordinated with natural and artificial boundaries or obstacles.

16. The minimum width of a water protective zone for lakes, ponds and reservoirs is taken as:

Volume of reservoir	Width of water protective zone (m)
up to 10 mln cubic metres	100
up to 100 mln cubic metres	200
up to 1,000 mln cubic metres	300
above 1,000 mln cubic metres	500

17. On the rivers the minimum width of the water protective zone is established at both banks from the average for several years water edge for river with the width of:

from 5 to 10 km	up to 50 m
from 10 to 50 km	up to 75 m
from 50 to 100 km	up to 100 m
above 100 km	up 150 m

18. For main and inter-enterprise canals the minimum width if water protective zones is established as:

For canals with flow rate	
from 5 to 10 cubic m/sec	50 m
from 10 to 20 cubic m/sec	75 m
above 20 cubic m/sec	100 m

19. On the land of state forest fund water protective zones include designated in a specified manner protected strips of forests along the banks of water sites. The dimensions of the mentioned protected strips of forests are taken according to norms set up in the Instruction on the order of designating forests to protective categories, approved by the decree of the Government of the Kyrghyz SSR of 5 November 1982 # 598.

#### V. Water Protective Strips

20. Within the limits of the water protective zone there are coastal water protective strips which represent territories with strict limitations of economic activity under subsection 10 of these Regulations. The coastal water protective strips must be covered by meadows, trees and bushes.

21. The width of the coastal water protective strip for lakes, ponds and reservoirs is taken as:

Volume of reservoir	Width of water protective strip (m)
up to 10 mln cubic m	30
up to 100 mln cubic m	50
up to 1,000 mln cubic m	70
above 1,000 mln cubic m	100

22. The width of the coastal water protective strip for rivers is determined from each side of the average for several years water edge.

The width of the water protective strip of main and inter-enterprise canals is determined for each side of the edge when the canal passes through a groove or from the base of the dam when the canal passes through the dike.

The dimensions of coastal water protective strips are determined with regard to characteristics of lands adjacent to the water source (ploughed field, hayfields, shrubberies, etc.) and the steepness of slopes:

Type of lands adjacent to water source	Width of water protective strip (m) with steepness of adjacent slopes		
	reverse gradient or zero gradient	up to 3 degrees	above 3 degrees
Ploughed land	10-12	20-35	35-50
Pastures and hayfields	10-15	15-25	25-30
Forest, shrubbery, garden	20	20-35	35-50

The maximum dimensions are for the most eroded soils.

23. On the territory of cities, towns and villages adjacent to the water site only coastal water protective strips are installed and their dimensions are specified with regard to specific conditions of the lay-out and construction according to the general plan approved by the appropriate local councils.
24. The use of lands which are part of water protective zones and strips of water sites is allowed only under condition of a strict observance of these Regulations.

#### VI. The Scheme of Water Protection

25. In order to maintain good hydraulic and hydro-chemical regimes, improvement of sanitary condition and rational use of water resources as well as over-all implementation of measures on water protection from contamination and emaciation, different schemes for water protection with appropriate designing documentation are being developed.
26. The Government of the Kyrgyz Republic, local state administrations in accordance with subsection 23 of these Regulations select the customer for development of water protective schemes and specify the timeframe for implementation.
27. The projects for water protective schemes for rivers, lakes, ponds, existing and designed reservoirs, canals are developed by specialised design companies. The funds for these purposes are envisaged in the cost estimates for designed sites.

The designs of new reservoirs and canals shall not be approved if they do not include sections for establishing water protective zones.

28. The establishment of boundaries for water protective zones and regimes of land use for reservoirs and canals being constructed shall be finished by the moment of commissioning the site.

29. The designs of water protective schemes shall be approved by bodies of the State Committee of the Kyrgyz Republic on Protection of Nature, sanitary control, land-tenue regulating departments and other appropriate bodies.
30. Economic activity of existing industrial, agricultural and other sites within the boundaries of water protective zones is carried out with the observance of instructions and requirements included in the project of water protective scheme.

## **VII. Responsibility and Control**

31. Responsibility for maintaining water protective zones and strips of water sites in the proper condition with observance of the regime of use of their territories is vested with managers of amalgamations, enterprises, institutions, organisations regardless of subordination and title as well as citizens who possess lands located within the boundaries of water protective zones and strips.
32. Persons guilty of violation of the regime of economic activity in the water protective zones and strips of water sites shall be liable under the decree of the Government of the Kyrgyz Republic.
33. Control over the establishment and observance of the regime for use of the territory of water protective zones and strips is carried out by local state administrations, local administration of Bishkek and Osh and bodies of the State Committee of the Kyrgyz Republic on Protection of Nature.