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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF GILGIT-BALTISTAN
GILGIT-BALTISTAN ENVIRONMENTAL PROTECTION AGENCY (GB-EPA)

NOTIFICATION

Gilgit, the 25th April, 2024

S. R. O. 720(I)/2024.— In exercise of the powers conferred by section 36 of the Gilgit-Baltistan Environmental Protection Act 2014, the Government of Gilgit-Baltistan is pleased to make the following Rules;

1. **Short title and commencement.**— (I) These Rules may be called as “Establishment of Tourist Facilities and other Infrastructure at Ecologically Sensitive and Critical Areas (ESCA), Rules, 2023, Gilgit-Baltistan.

(II) They shall come into force at once.

2. **Definitions.**— (I) In these Rules, unless there is anything repugnant in the subject or context—

- (a) “Act” means the Gilgit-Baltistan Environmental Protection Act, 2014;
- (b) “Agency” means the Gilgit-Baltistan Environment Protection Agency established under section 5 of the Act;

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- (c) "Approval" means Environmental Approval or No Objection Certificate;
- (d) "Authorized officer" means a person authorized in writing for the purposes of these Rules by the Director of the Agency;
- (e) "Biological Diversity" means the variability among living organisms from all sources including terrestrial, aquatic and other eco-systems; this includes diversity within species, between species and between eco-systems;
- (f) "Director" means the Director of Gilgit-Baltistan Environment Protection Agency;
- (g) "Ecologically Sensitive and Critical Area" means a special area that is sensitive to any form of changes to the eco-system due to natural processes or anthropogenic activities in or around it, either directly or indirectly, at any level based on the delicate balance between various compartments of the eco-system of that particular area and the environmental processes among them that regulate the essential ecological functions in that area, its value to the life support, the heritage and legacy of the area. Ecologically Sensitive and Critical Areas may include part of a forest, a pasture, lakes, areas close to glaciers, near rivers or streams or springs, vegetated slopes or any natural setting that seems to regulate necessary ecological functions in that area;
- (h) "ESCA" means any portion of the environment designated as Ecologically Sensitive and Critical Area under sub-rule 3 of these Rules:—
 - (a) "Government" means Government of Gilgit-Baltistan;
 - (b) "Notice" means a notice related to Ecologically Sensitive and Critical Areas to any person or organization who are in contravention of these Rules;
 - (c) "Officer" means an officer in-charge of Gilgit-Baltistan Environment Protection Agency not below the rank of Assistant Director;
 - (d) "Core Zone" means an area of the eco-system which serves/acts as a most fragile part that may be highly

susceptible to any kind of change govern by external intervention. These areas are more restricted to minimize the impact on the natural environment.

(II) All words and expressions used in these Rules but not herein defined shall have the same meanings as are assigned to them in the Act.

3. Designation of Ecologically Sensitive and Critical Areas (ESCA's).— (I) The Agency may by notice designate an ESCA; any area or portion of the environment that is:—

- (a) Found environmentally significant, of great aesthetic beauty, having high touristic attraction, abundance of natural resources, and habitat of any environmentally sensitive species or hosting pristine bio-diversity.
- (b) For the purpose of protection, preservation management and rehabilitation of an area that is fragile, threatened or degraded;
- (c) Maintenance of cultural and aesthetic values of an area which are associated with preserving the integrity of the environment.

(II) The agency shall designate an ESCA on the basis of the data available and after taking into consideration the environmental impacts and other relevant impacts of the planned and/or under execution developments.

4. Filing of application and Registration Fee.—(I) Prior to planning and / or establishment of a tourist facility or other infrastructure, the proponent shall submit application to the Agency in the format provided at schedule-I, which shall include but not limited to the following:—

- (a) Application in the name of Director stating the nature, scope and purpose of the establishment of the tourist facility and / or other infrastructure;
- (b) A detailed report covering all aspects mentioned in sub-rule 6, 7 and 8 of these Rules;
- (c) Any other details of the plan as desired by the Agency after submission of the application.

(II) The proponent shall pay, at the time of submission of application, a non-refundable registration fee in government treasury as per charges defined in schedule-II.

5. Grant of Approval.— (I) On receipt of an application from the applicant, the Officer shall investigate and review the application and present it to the Director for grant of approval. Investigation shall be carried out under intimation to the Director.

(II) The Officer shall complete the investigation preferably within fourteen working days, unless & until otherwise directed by the Director.

(III) The approval shall be subject to terms and conditions as to follow by the applicant, supervision, restriction to use, operation, submission of information and/or any other condition deemed appropriate by the Agency.

6. Categorization of Facilities.— (I) The categorization is based on the use of area for a particular activity or infrastructure development, the level of services being provided and the capacity of the facility:—

- (a) Hotels
- (b) Rest house
- (c) Campsites/Tents
- (d) Huts/Cottages
- (e) Restaurants
- (f) Sports and recreational facilities
- (g) Zip Line
- (h) Shops/ Departmental Stores
- (i) Open Food Stalls
- (j) Others

7. Planning and Designing Guidelines.— (I) The proponent shall maintain the following distances from the designated areas:—

- (a) No construction would be allowed in the core zone of an ESCA;
- (b) Not within fifty feet of a water body;
- (c) Keep minimum distance of 100 meters from glaciers;
- (d) Avoid disaster prone areas (i.e. land sliding, flood, avalanches, GLOFs).

(II) The proponent will establish the facility only in the approved locality and in consent with the concerned district administration.

(III) The proponent shall submit detailed plan of the envisioned project/scheme under an application in the format given at schedule-I. The plan shall contain a brief description of the intended scheme, Google/GIS map of the project area and its vicinity, specific area profile, proposed design of the project, possible environmental impacts and mitigation measures.

(IV) The design of the infrastructure shall take into account the aesthetic beauty and ecological relationship, geophysical environment of the area, cultural aspects and traditional architectural practices, use of local material for construction to withstand seasonal temperature variations and colors that blend into the surrounding environment.

(V) The height of boundary wall shall not exceed three feet in height with stone masonry, for additional security provide fencing to avoid the visual barriers.

(VI) Provide enough space for parking and other required facilities and construction of building shall not disturb the natural landforms and existing topography of the area for development of the facility.

(VII) Provide signages for visitor information shall include:—

- (a) Instructions for visitors to refrain off-road driving and vehicles washing in water bodies;
- (b) Environmental safeguards, social norms and to protect bio-diversity;
- (c) Enough parking be provided with signages to guide visitors;
- (d) Signages shall be visible from major approaches and must be reflective.

(VIII) Water supply for drinking and landscaping, liquid effluent and solid waste disposal mechanism in accordance with the detailed design at Schedule-III, shall be an integral part of the design consists of the following arrangements:-

- (a) Drinking water supply system shall have enough provision to cater sixty liters per capita per day of the expected number of visitors and be designed in a manner to ensure water conservation.
- (b) Construction of septic tanks on the basis of expected number of visitors, number of units and washrooms.
- (c) Disposal system for kitchen effluents shall be provided with cemented grease traps and stabilization ponds to skim out oil, grease and solid parts of the food and its subsequent drying and use as fuel.
- (d) Mechanism for gray water disposal from washing and bathing shall be provided with a soakage pit well away from water bodies, peat lands and drinking water sources or drinking water supply system.
- (e) Separate quality trash bins for organic and inorganic waste be provided at appropriate locations inside and outside of the facility with instructions and disposal mechanism.

(IX) Adequate fire-fighting facilities shall be provided in accordance with the Building Codes of Pakistan, Fire Safety Provisions, 2016.

(X) The proponent shall ensure use of passive energy technologies for natural heating and cooling through the design of the facility, minimizing energy requirements e.g. solar panels, natural ventilation, shading and solar heating.

(XI) The building design shall be seismic resistant in accordance with the seismic zoning of the particular area for which the application is filed.

8. Limitations/Prohibitions.— (I) The following acts/activities are prohibited in any ESCA:—

- (a) Clearing any land for cultivation, mining or for any other purpose;
- (b) Polluting water bodies by any means;

- (c) Cutting, uprooting of trees, bushes or any type of plant;
- (d) Contractors shall be limited to their designated sites for construction, movement of machinery and material quarrying;
- (e) Music should be limited to the premises of the facility.

9. **Inspection and Enforcement.**— (I) Agency may carry out inspection of the site for confirmation of compliance at any time during installation and operation in order to give effect to the provisions of these Rules.

(II) The Officer may, by notice in writing, seek additional information from the proponent within fifteen days with such samples, certificates, designs, plans, records and information as he may reasonably require for the purpose of ascertaining whether that person is complying with the provisions of these Rules.

(III) The Officer shall have the power to enter, inspect, and collect samples, test equipment at any time without notice in writing to the owner.

(IV) The Officer may designate inspecting officer to objectively examine or carryout inspection.

(V) The inspection report shall be prepared, supported by reason of every action taken & outcome received in a reasonable time but not later than seven days and forwarded to the Director.

10. **Up-gradation, Improvement, Amendment or Change in Location.**—(I) Any up-gradation, extension, improvement and / or amendment to the establishment shall be reported to EPA in advance.

(II) New application shall be filed in case of any change in facility or other infrastructure. In this case, new application for NOC shall be filed, which shall include:—

- (a) Need and justification of change;
- (b) Compliance of the guidelines provided in the rule 7;
- (c) Proposed area should also comply with the requirements envisaged in these rules.

11. **Validity and Renewal.**— (I) The validity of the NOC issued will be for a period of one year from the date of issuance. Proponent shall apply for its renewal fifteen days prior to the termination date.

(II) If construction is commenced during the initial six months of the issuance of the NOC, the validity period of the issued NOC shall be extended, after confirmation of compliance, for a period of three years from the date thereof.

(III) Registration and renewal fee will be charged as per rates defined in the Schedule-II.

12. **Cancellation of Approval.**— (I) Any of the following acts or omission shall be sufficient ground for the cancellation of approval (NOC) after giving opportunity of being heard.

- (a) Making any false declaration or statement or making use of any such declaration or statement or any document containing the same or committing fraud or any act of mis-representation for the purpose of obtaining the NOC;
- (b) Failure to maintain the standards and requirements as prescribed in these Rules;
- (c) Non-compliance with any of the provision of these Rules, conditions of NOC issued, promulgated orders, decisions and circulars issued by the Agency and other concerned government departments;
- (d) In any case, if no physical work has been started at project site or considered the working conditions un-satisfactory, the Agency after giving the proponent an opportunity of being heard, will cancel the NOC.

(II) Any other act or omission that triggers anything against the interest of the environment, invoke serious grievances, which may cause irreversible damages to the surrounding environment.

(III) On cancellation of the NOC, the proponent shall cease construction or operation of the project thereof.

13. **Administrative Assistance.**— (I) The officer for the implementation of these rules with the approval of Director shall seek administrative help and/or police assistance from the respective Deputy Commissioner and/or Superintendent of Police. The respective Deputy Commissioner and / or the Superintendent of Police on receiving request for the said case shall extend support to the officer so that the provisions of this rules may effectively implemented.

14. **ESCA Management Committee.**— (I) For purposes of rendering advice and to deliberate upon the existing building/structures in ecologically sensitive and critical areas and to take decisions in light of these rules; the Secretary Environment shall constitute an Ecologically Sensitive and Critical Areas Management Committee comprising—

- | | |
|---|-----------------|
| (a) Deputy Commissioner of the concerned district; | <i>Chairman</i> |
| (b) AD EPA of the respective district; | <i>Member</i> |
| (c) Chief Officer District Council of the respective district; | <i>Member</i> |
| (d) Executive Engineer Works of the respective district; | <i>Member</i> |
| (e) Community representative of the respective District; | <i>Member</i> |
| (f) DC/Chairman district committee may co-opt any other member depending upon the legal/law and order/disaster/rescue or any other issue related to the case. | <i>Member</i> |

(II) The committee shall convene meeting on monthly basis to examine new cases/applications in order to decide the same under these rules. Prevalled further that the committee will consider the time to time changes in the decisions and will propose changes in ESCA Rules for effective marking and implementation.

15. **Penalty.**— (I) Notwithstanding anything contain in rule 12 supra whosoever contravenes any of the provisions of these Rules, or cause environmental hazards, or fails to comply with any of the conditions mentioned in Environmental Approval (NOC), or willfully furnishes incomplete or false information required thereunder, shall be punished and fine upto one hundred thousand Rupees or in accordance with the valuation of the damage caused by the activity to the surrounding environment, which ever amount is more in cost shall apply.

16. **Appeal.**— (I) Any entity aggrieved by an order of sealing/confiscation may within two weeks of such action of Agency, can appeal to the court of law whose decision shall be final.

[No. ALA-1(1)/2024-GBA.]

DIRECTOR,
GB-EPA.

Schedule I

Application Form

Part I: Proponent / Company Information			
Name of Proponent:		Address of Proponent:	
Company Name (if any):		Company Registration Number (if any):	
Contact No (Mobile):		Company Office Address:	
Address of Correspondence:		Domicile District:	
NIC Number:		Phone (Office):	
Part II: Project Information			
Project Name:		Address:	
Land Ownership (Tick the relevant option and attach the supporting document at annex "C")			
Self Owned		In case, Attach landownership certificate	
Rented		In case, Attach rent agreement	
Community Owned		In case, Attach agreement with the community	
Area profile	At Annex	Attach colored Google map	At Annex
Electricity Source: 1. From Water and Power Department 2. Generator, or 3. Both <i>In case of option 1 and 3, attach approval of electricity connection at annex 3</i>		Water Source: 1. PHE 2. Self, or 3. Both <i>In case of option 1 and 3, attach approval of water supply connection at annex 3</i>	
Required Power Load (K.W):		Estimate of Water Requirement (Gallons):	
Facility type (Attach detailed designs, 3D's, type of construction material, number of rooms)			
Waste disposal system (Attach designs of sewage disposal septic tanks and soakage pits, grease trap and pits for grey water disposal)			
Water supply (Attach water supply plan with water source)			
Verification: I do solemnly affirm and declare that the information given above and contained in the attached documents are true and correct to the best of my knowledge.			
Signature:		Date:	Name:

Schedule II

Registration and Renewal Fee Schedule for Establishment of Tourist Facility at ESCA

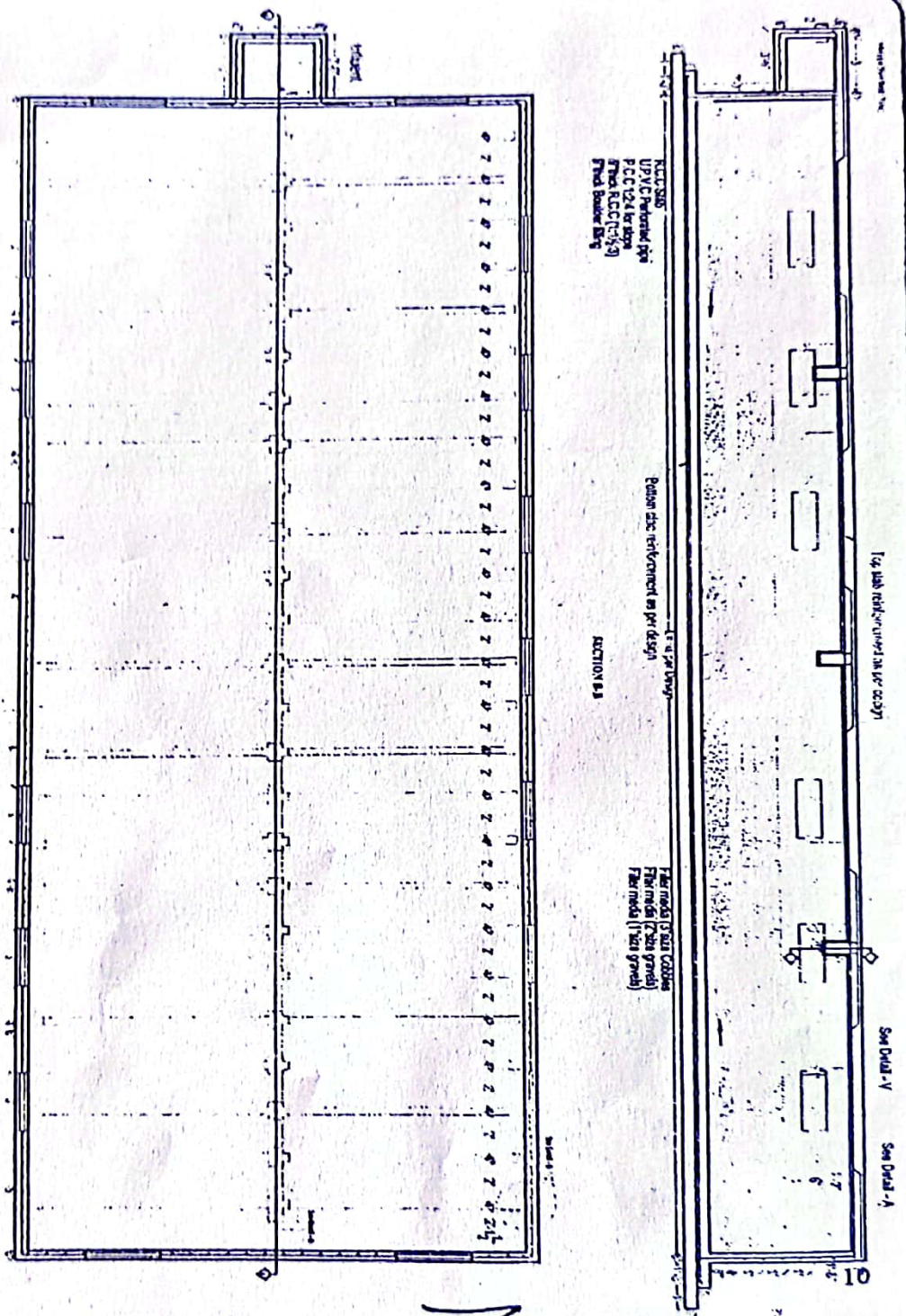
S.No.	Total covered area	Union Council*		Gilgit-Baltistan (GB)**		Other than GB***	
		Registration Fee	Renewal Fee	Registration Fee	Renewal Fee	Registration Fee	Renewal Fee
1	Upto 10 Marlas	3000	1500	5000	2000	10,000	3000
2	Upto 1 Kanal	4000	2000	7000	3000	20,000	5000
3	Upto 2 Kanal	6000	2500	10,000	4000	40,000	10,000
4	Upto 4 Kanal	7000	3000	15000	6000	60,000	15,000
5	Upto 10 Kanal	10,000	5000	20,000	10,000	80,000	25,000
6	More than 10 Kanal	20,000	10,000	30,000	15,000	100,000	35,000

*Union Council (UC): Resident of that particular Union Council where the facility is planned.

**Gilgit-Baltistan (GB): Resident of GB other than that particular UC.

*** Other than GB: Residents of other provinces of Pakistan.

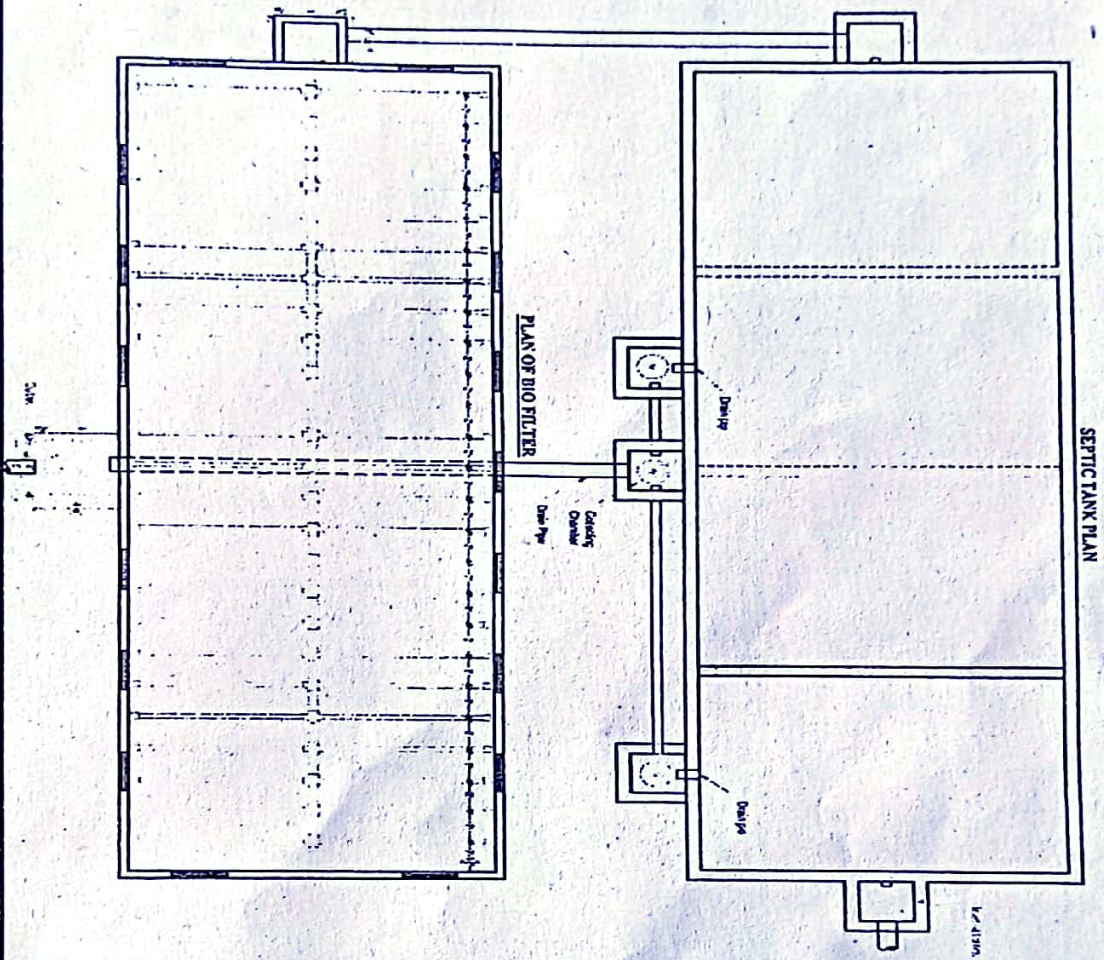
Schedule III (a)



Drawing Title:
 Plan and Section of Bio-filter

Government of Gilgit-Baltistan
 GB Environmental Protection Agency

Schedule III (b)

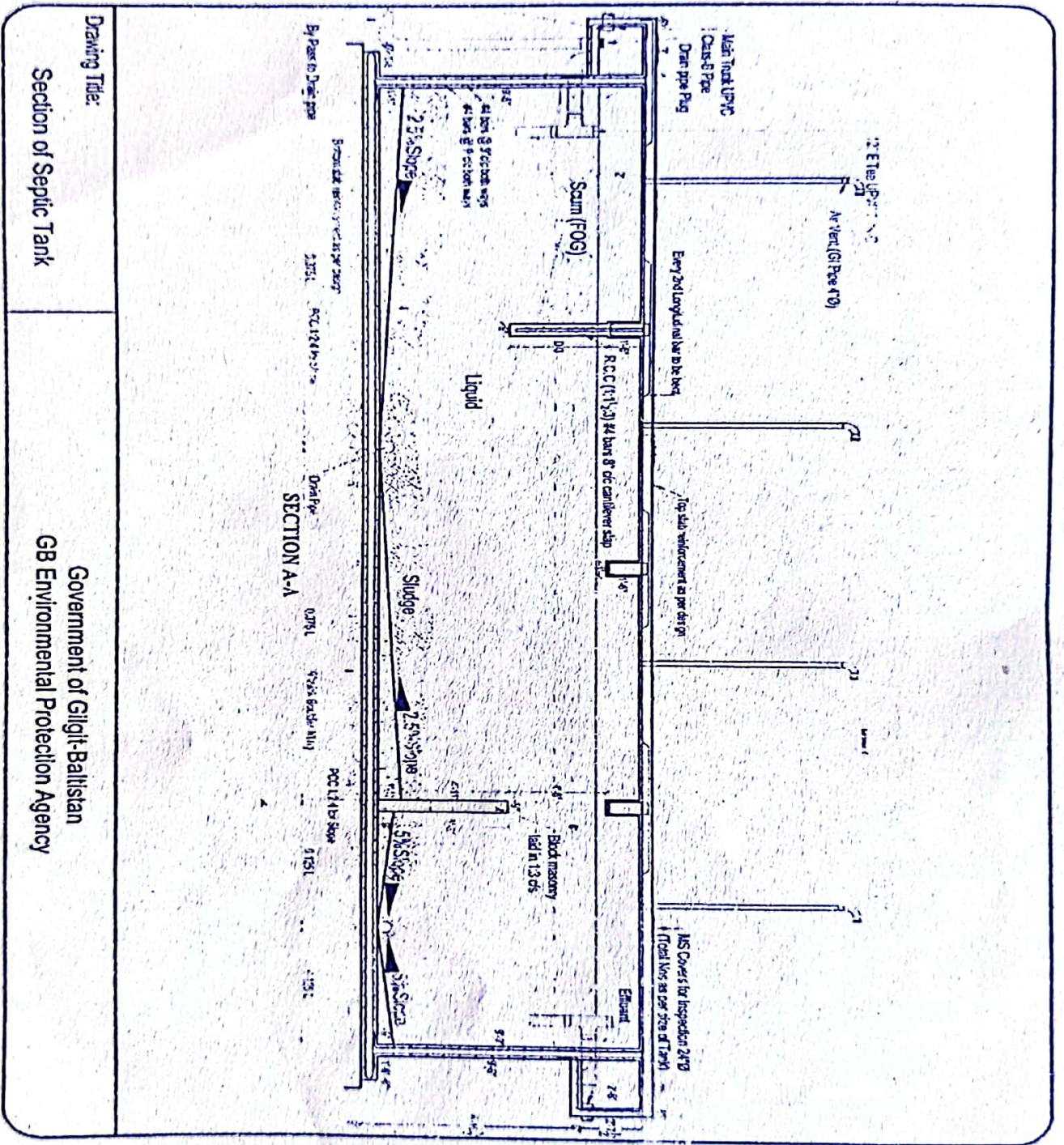


Drawing Title:

Schematic Plan (Septic Tank and Bio Filter)

Government of Gilgit-Balistan
GB Environmental Protection Agency

Schedule III (c)

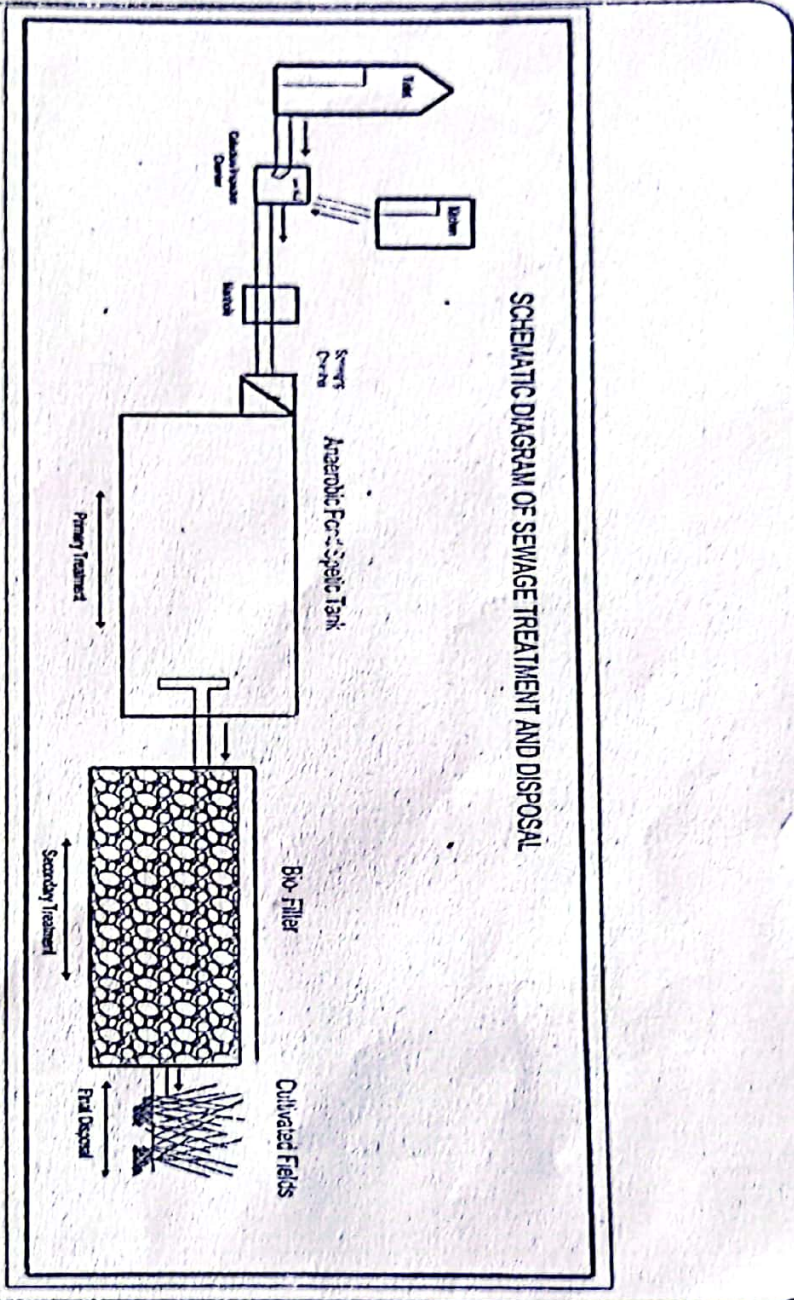


Drawing Title:

Section of Septic Tank

Government of Gilgit-Balistan
GB Environmental Protection Agency

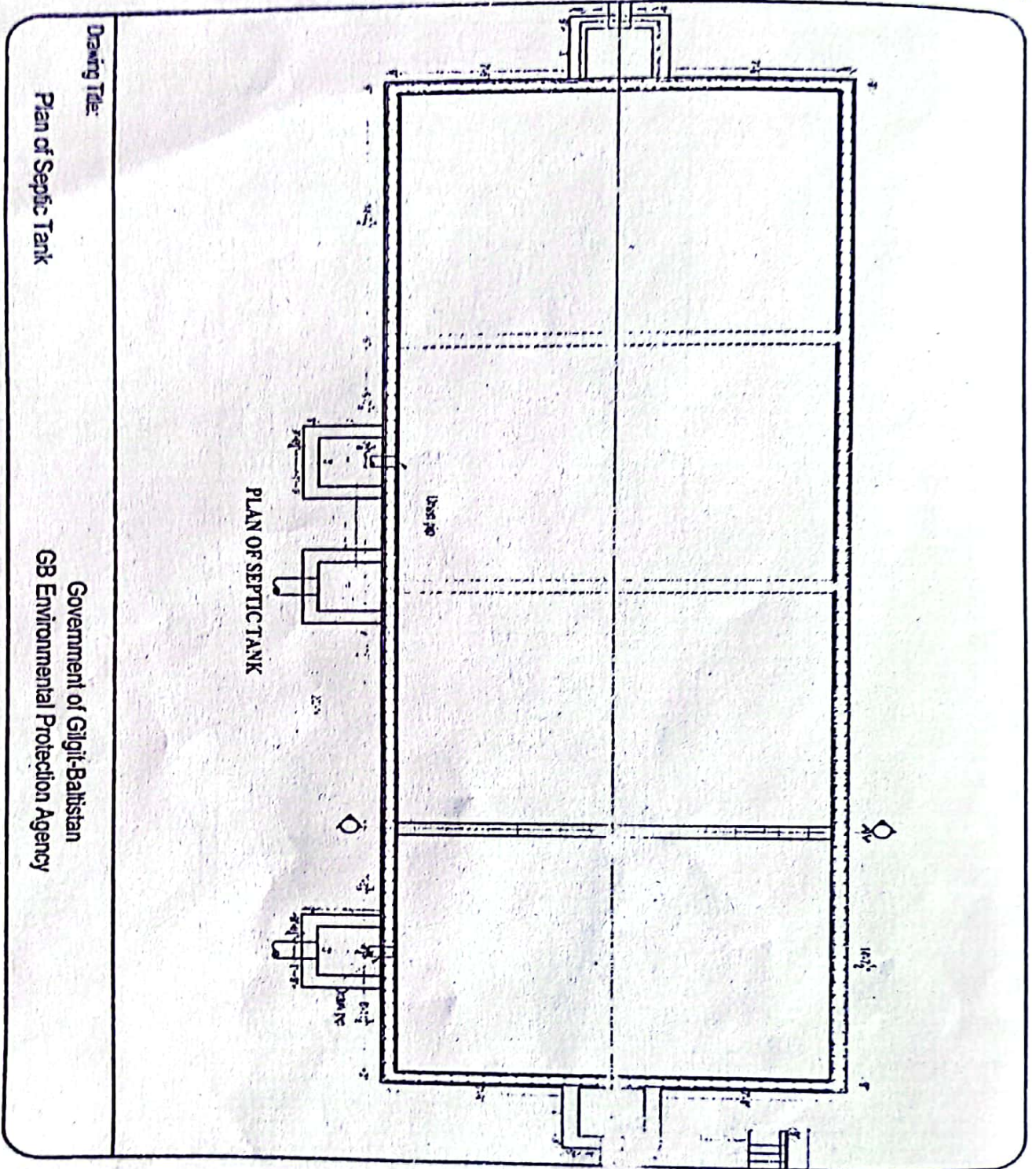
Schedule III (d)



Drawing Title:
SCHEMATIC DIAGRAM OF SEWAGE TREATMENT AND DISPOSAL

Government of Gilgit-Baltistan
GB Environmental Protection Agency

Schedule III (e)

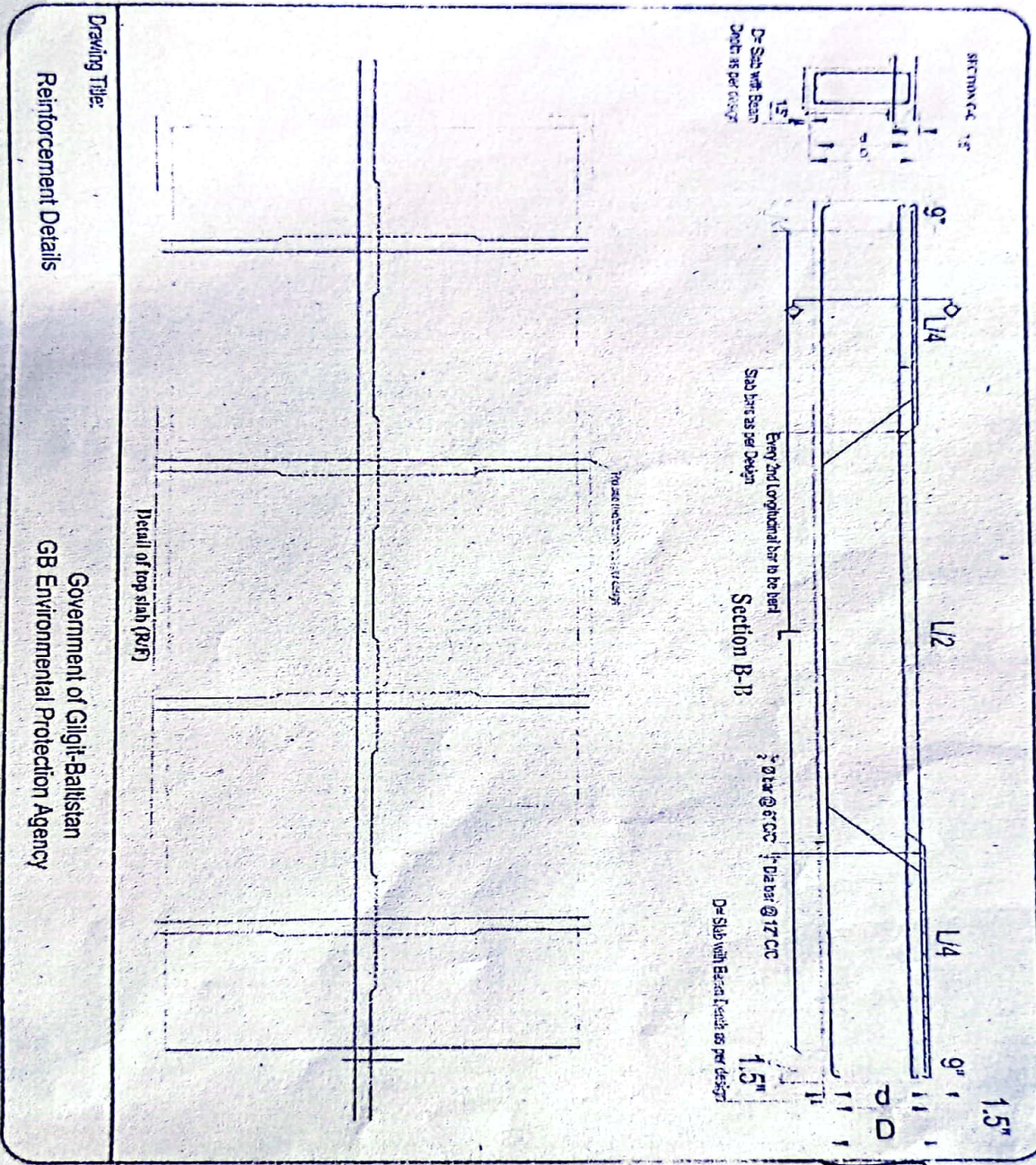


Drawing Title:

Plan of Septic Tank

Government of Gilgit-Baltistan
GB Environmental Protection Agency

Schedule III (f)



Drawing Title:

Reinforcement Details

Government of Gilgit-Baltistan
GB Environmental Protection Agency

