

## Regulation on the Protection and Preservation of Baa Atoll Hanifaru Marine Protected Area (Regulation number 2012/R-23)

### Introduction

1. (a) Baa Atoll Hanifaru region is an area protected in 2009 in accordance with law no. 4/93 (Maldivian Environment Protection and Preservation Act). This area is recognized worldwide for its natural beauty and the abundance of marine life. This area was designated a protected zone in order to preserve the environment and to protect the frequently visiting whale sharks and manta rays.

(b) The regulation comes into effect under Article 4 of law no. 4/93 (Maldivian Environment Protection and Preservation Act).

(c) Baa Atoll Hanifaru area is an important core area allocated within the UNESCO Biosphere Reserve designated on 28<sup>th</sup> June 2011.

### Name

2. This regulation is called "Regulation on the Protection and Preservation of Baa Atoll Hanifaru Marine Protected Area".

### Purpose

3. The purpose of this regulation is to ensure sustainable protection and preservation of the Baa Atoll Hanifaru area and its natural beauty and marine life, and planning the acquirement of its benefits in a sustainable manner.

### Coming into effect

4. This Regulation will come into effect on publication of the Regulation in the Government Gazette (26<sup>th</sup> April 2012)

### Implementation

5. This Regulation shall be implemented by the Environmental Protection Agency on behalf of the Ministry.

### Zoning of Hanifaru Area

6. (a) Hanifaru reef is located on the eastern side of Baa Atoll approximately half way along the atoll. Baa Atoll Hanifaru area is connected to the open sea from the North East of Baa Atoll. The geographical coordinates and the allocated zones in this area are included in Annex 1 of this Regulation.

(b) Baa Atoll Hanifaru area is zoned into three parts: - They are:-

Zone 1: Core Area: These are areas requiring significant level of protection. Activities that can be permitted in this area shall only be those that would not harm the environment or life forms in the area in any manner or form.

Zone 2: Buffer Zone: These are areas surrounding or connected to the core areas. Certain activities permitted by the authorities can be carried out in this area.

Zone 3: Transitional Areas: These are areas permitting sustainable activities carried out using natural resources in compliance with the Laws and Regulations of Maldives. Areas within 1 (one) nautical mile of outer rim of the Atoll excluding Core Areas and Buffer Areas shall be deemed transitional areas of the Biosphere Reserve.

#### Operation of vessels and persons in Vandhoomaafaru Adi (Hanifaru Bay) Area

7. (a) Vessels used for sea transportation shall not be permitted to enter into Vandhoomaafaru Adi (Hanifaru Bay) Area.
- (b) Rangers vessels shall be permitted entry into Vandhoomaafaru Adi (Hanifaru Bay) Area under circumstances of necessity.
- (c) Anchoring of any vessels shall not be permitted in the Vandhoomaafaru Adi (Hanifaru Bay) Area.
- (d) Entering this area on life saving equipment (Life buoy, life jacket, kick board, ring) is permitted.
- (e) Entering this area on seabed, canoe, and surfboards and similar shall not be permitted.

#### Operation of vessels and persons in the core area outside of Vandhoomaafaru Adi (Hanifaru Bay) Area

8. (a) Anchoring shall not be permitted in the Baa Atoll Hanifaru Marine Protected area. During the embarking and disembarking of visiting persons to Hanifaru, docking vessels shall use the buoys in the lagoon.
- (b) The only vessels allowed in Baa Atoll Hanifaru lagoon are taxi dhonis, vessels given permission to enter the area, and vessels used by rangers.
- (c) From 1<sup>st</sup> January 2012 onwards operations shall only be carried in this area upon obtaining prior permission from the Agency.
- (d) All vessels shall follow the standard procedures set by the Agency in embarking and disembarking persons from the sea. In dropping off

persons to the Hanifaru Area, the use of areas other than the drop off zones indicated in Annex 1 of this Regulation shall not be permitted.

(e) In the areas within 200 (two hundred) meters of Hanifaru, vessels shall operate below a speed limit of 5(five) miles per hour (9 (nine) kilometers per hour).

(f) Only one vessel at a time can occupy the drop off zone indicated in Annex 1 of this Regulation.

(g) In Hanifaru lagoon area, vessels shall operate below a speed limit of 2 (two) miles per hour (3.6 (three point six) kilometers per hour).

(h) Vessels shall not be taken close to the whale sharks and manta rays sighted in the area when transporting persons to the drop off zones. As such, a minimum distance of 50 meters shall be maintained from said marine life. Such mega fauna shall be treated with care and left undisturbed at all times.

(i) No vessel shall be permitted to enter or carry out any activities in the Hanifaru area, from 6(six) pm after sunset until 6 (six) am in the morning.

(j) During the times stated in subsection (i) of this Article, and during other times, the Agency or the authorities given the responsibility of looking after the Hanifaru Area, ie the Maldives Police Service and the Maldives National Defence Force shall be permitted to operate within the area.

(k) The buoys placed in the Hanifaru lagoon area shall only be used for their designated purpose in accordance with subsection (a) of this Article

(l) A special permission from the Agency shall be required to go onto Hanifaru Island between 6(six) am in the morning and 6 (six) pm in the evening.

#### Visiting the Hanifaru Area

9. (a) After 1<sup>st</sup> January 2012, only persons given permission to enter the area shall be permitted to enter the Hanifaru Area.

(b) A Guide given permit by the Agency shall accompany every 10 (ten) persons group visiting this area.

(c) 80 (Eighty) people shall be permitted on this area at one time.

(d) All vessels shall enter and exit Hanifaru Area from the area demarked on North of Hanifaru Area.

(e) Visitors on vessels shall be dropped off to the sea from the drop off zone identified in Annex 1 of this Regulation.

(f) The Vandhoomaafaru Adi (Hanifaru Bay) in this area shall be accessed by swimming to the area. Any visiting group shall be permitted to stay in the waters for a maximum of 45 (forty five) minutes.

(g) Legal responsibility for the actions of visitors to this area shall be born by the visitors themselves and the person in charge of them.

(h) From the 1<sup>st</sup> of January 2012, only snorkeling is permitted in Hanifaru Marine Protected Area.

(i) From the 1<sup>st</sup> of January 2012, diving in this area with scuba tanks, or entering the area on any other equipment used for breathing underwater shall be prohibited.

(j) Swimming or diving in the Vandhoomaafaru Adi (Hanifaru Bay) Area on the surface and underwater on equipment operated by renewable energy sources (such as underwater scooter) is prohibited.

(k) Taking pictures and videos in this area with flashlights on shall only be carried out after obtaining special permission in writing from the Agency.

(l) Persons entering the waters in this area shall maintain a minimum distance of 3(three) meters from mega fauna (such as whale sharks and manta rays) in this area. And no person should swim across or obstruct the path of any such mega fauna. If any such mega fauna (whale sharks or manta rays) approaches a person whilst in the waters, the person should remain still until it moves away.

(m) Any form of research shall only be conducted in this area after obtaining a special permission in writing from the Agency.

(n) Taking pictures and videos for commercial use shall require obtaining special permission in writing from the Agency. Taking photos and videos for broadcasting on TV channels and advertisements shall be considered as commercial usage.

#### Tour Guides operating in the Hanifaru Area

10. (a) From the 1<sup>st</sup> of January 2012 persons operating as Tour Guides in the Hanifaru waters shall carry the permit for operating as Guides in this area issued in accordance with the standards set by the Agency.

(b) All Tour Guides operating in the Vandhoomaafaru Adi (Hanifaru Bay) Area shall hold a permit for entering the area.

(c) The permits under subsection (a) and (c) of this Article shall be issued to persons holding certificates issued under standards set by the Agency. When applying to the agency for obtaining this certificate, a non-refundable fee of MRF 300 (Three Hundred) shall be paid. This certificate shall be issued for a period of 3 (three) years.

(d) In issuing certificates to Tour Guides, the awareness of Baa Atoll Biosphere Reserve, Baa Atoll Conservation Program, UNESCO Zonation System, Hanifaru Management Plan, Hanifaru Protection and Preservation Regulation, the mega fauna in this area and the standards for using this area, and the person has acquired Diving masters level of training shall be taken into consideration.

(e) The discretion to cancel certificates of persons found in breach of the standards set in this Regulation shall be vested in the Agency.

(f) Certified Tour Guides accompanying the persons visiting this area shall be responsible for providing information to persons using Vandhoomaafaru Adi (Hanifaru Bay) Area.

#### Hanifaru Access token or fee

11. (a) Resorts, Safaris and Tour Operators sending tourists to Hanifaru Marine Protected Area, who have not paid the annual fee in accordance with Annex 3 of this Regulation, to use this area, shall pay the token fees set in Part (a) and (b) of Annex 3 of this Regulation.

(b) Parties who have paid the annual fees in accordance with Part (a) of Annex 3 of this Regulation shall be subject to pay ½ (half) the face value of the token fee in Annex 3 of this Regulation.

(c) From the 1<sup>st</sup> of January 2012, permit for snorkeling in Vandhoomaafaru Adi (Hanifaru Bay) Area (entering the waters with masks snorkels and fins) shall be issued to persons purchasing Hanifaru token specified in Part (b) and (c) of Annex 3 of this Regulation. As such snorkeling shall be permitted for a maximum duration of 45 (forty five) minutes.

(d) Hanifaru token when being sold by Tour Operators, Resorts, Dive Centers, Liveboard's and Safaris, the fees shall be consistent with the fees set as Hanifaru token fees in Annex 3 of this Regulation.

(e) Certified Guides shall not be subject to purchasing Hanifaru token.

(f) Each Hanifaru token can be used only once.

## Activities prohibited in Baa Atoll Hanifaru Area

12. (a) Anchoring at any point within the Hanifaru Marine Protected Area is prohibited.
- (b) Entering of vessels into the the Vandhoomaafaru Adi (Hanifaru Bay) Area is prohibited.
- (c) Entering Hanifaru Island without the Agency's permit is prohibited.
- (d) Entering and departing the Hanifaru Area during hours other than those specified in subsection (i) of Article 8 of this Regulation is prohibited.
- (e) Disturbance to any marine life when snorkeling and entering the Area is prohibited.
- (f) Taking or removal from the area of any existing living or non-living organism is prohibited.
- (g) Disposing waste onto this area is prohibited. Persons using the Hanifaru Marine Protected Area should take all waste created by such persons from the Hanifaru Marine Protected Area and Hanifaru Island .
- (h) A table of activities allowed and prohibited in the Hanifaru Area is included in Appendix 2 of this Regulation.
- (i) Subsection (h) of this Article does not restrict the discretion of the Agency to grant permission for any special activity not specified in Appendix 2 should such a necessity arise.

## Penalties for persons in breach of the Regulation

13. Any person in breach of this Regulation shall be subject to the penalties specified in Act no 4/93 (Maldivian Environment Protection Act) and Regulation no R-9/2011 (Regulation on the specification of penalties and compensations for causing harm to the environment) and also shall be subject to legal actions as stated in Appendix 4 of this Regulation.

## Exclusions

14. (a) No fees shall be charged under this Regulation for visits made by students and teachers for educational purpose, on special permit given by the Agency. And a temporary permit for entry of vessels used by such persons to the area shall be issued by the Agency.

(b) Persons visiting on special permit issued by the Agency for official purposes shall not be subject to a fee under this Regulation. And a temporary permit shall be issued by the Agency for vessels used by such persons to enter the area.

(c) Persons taking part in various training sessions conducted by the Agency in this area shall not be subject to any fees under this Regulation. And a temporary permit shall be issued by the Agency for vessels used by such persons to enter the area.

#### Closure of the Area

15. (a) The Agency shall have the discretion to close the Area and to stop the conduct of any activities or the entry of persons onto the area following a scientific research being conducted in Baa Atoll Hanifaru Area, or following the occurrence of an accident, or a due to changes in the weather, or due to giving of birth by marine life such as a whale shark or manta ray.

(b) During times when the area is being used by persons specified in Article 14 subsection (a), (b) and (c) of this Regulation, the Agency shall have the discretion to temporarily prevent other persons not subject to the said provisions from entering the Area.

#### Meanings

16. Unless the meaning of the phrasing used in this regulation

(a) 'Hanifaru' shall constitute the Hanifaru Island, The sand banks in the area, the reefs and lagoons connected to the area, Vaamandhoofaru Adi, the sea, lagoon, in accordance with the drawing attached on appendix 1 of this regulation.

(b) 'Hanifaru Bay' shall be the name of the area known as Vandhoomaafaru Adi, which is the area south of Hanifaru shaped like a Bay.

(c) 'Ministry' shall be the government authority appointed by His Excellency The President to resolve and implement policies regarding the environment.

(d) 'Agency' shall be the Environmental Protection Agency

(e) 'Mega Fauna' shall be big or large life forms such as Whale Sharks and Manta Rays

(f) 'Taxi Vessels' shall be the vessels given permission by the agency to carry people from the visitor's center to Hanifaru

(g) 'Baa Atoll Biosphere Reserve Management Fee' shall be the fee obtained to maintain the conditions and services of Hanifaru area from those who make use of the area more than 1 (one) time per calendar year. (Such as Resorts, Safari's, and Tour Operators)

(h) 'Visitors Center' shall be the center established in the area to do all the official work regarding those who visit Hanifaru.

(i) 'Rangers' shall be those, who have passed the agency training program and have the Ranger's Certificate, who are to oversee all the activities carried out in the Hanifaru area and the Baa Atoll Biosphere Reserve

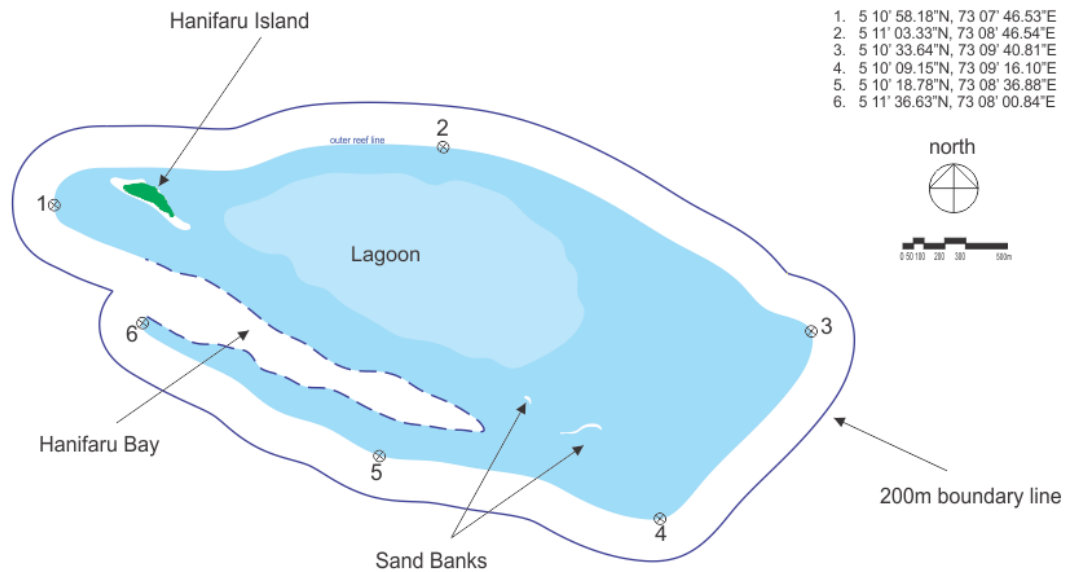
(j) 'Things operated using energy' shall be those vessels, or things operated by having engine, battery or, using petrol and diesel like substance.



## Appendices of Regulation on the protection and preservation Baa Atoll Hanifaru Area

### Appendix 1: Hanifaru Map

How vessels should act in entering and exiting the Hanifaru Area



- Vessels should enter and exit the area from the north side
- Vessels should moor at the mooring buoys on the south side
- People should be dropped off and collected at the drop off zone

**Appendix 2:** Table of activities prohibited and allowed within Hanifaru Core and Buffer Area as detailed in the Baa Atoll Conservation Plan. Those with a right mark (√) are permitted activities and those with a wrong mark (X) are banned activities

Activity	Buffer Zone	Core Area
Tourism/Recreational Use: Snorkeling.	√	√
Tourism/Recreational Use: SCUBA diving (2012 onwards)	√	X
Tourism/Recreational Use Terrestrial: picnic, Sightseeing.	√	√
Fishing - trolling pelagic	√	X
Fishing tourism - trolling pelagic	X	X
Fishing Bottom Line (reef fish)	X	X
Fishing - tourism bottom line (reef fish)	X	X
Traditional Bait fish collection- Pole and Line – (*Baa atoll boats only)	√ * restrictions	X
Fishing gill nets	X	X
Fishing finfish breeding aggregation sites	X	X
Spear/ Gun fishing,	X	X
Destructive fishing (dynamite, chlorine, cyanide)	X	X
Anchoring (all boats)	√ restrictions	X
Shell collection – commercial/artisanal	X	X
Shell collection – subsistence	X	X
Sea cucumber fishery	X	X
Shark fishery	X	X
Live fish collection – commercial	X	X
Aquarium trade (vertebrate and invertebrate) commercial	X	X
Lobster fishery – commercial/artisanal/subsistence	X	X
Turtle egg/adult harvest - Commercial	X	X
Turtle egg/adult harvest - Subsistence	X	X
Sea birds & egg harvesting	X	X
Sand Extraction Commercial	X	X
Sand Extraction Subsistence	X	X
Coral Extraction Commercial	X	X
Coral Extraction Subsistence	X	X
Waste Disposal at sea (boat or shore)	X	X
Palm frond Collection	√ restrictions	X
Coconut Collection	√ restrictions	X
Agriculture	X	X
Aquaculture	X	X

### Appendix:3

#### Management Fee for Baa atoll Hanifaru Area

No	Name		Amount/ US \$			
			Resort	Safari Vessel	Dive Schools	Locals
1.	Baa Atoll Biosphere Reserve Management and Promotional fee	Annually	US \$ 20,000/- ( Twenty Thousand ) Maldivian Rufiyaa Equivalent	<b>Vessels with 12 beds and more:</b> US \$ 750/- ( Seven fifty)  <b>Vessels less than 12 beds and more:</b> US \$ 500/- ( Five hundred)  Maldivian Rufiyaa Equivalent	US \$ 1000/- ( Thousand) Maldivian Rufiyaa Equivalent	-
2.	Hanifaru Entrance Fee ( from May to November )	Per Head	US \$ 20/- (Twenty) Maldivian Rufiyaa Equivalent	US \$ 20/- (Twenty) Maldivian Rufiyaa Equivalent	US \$ 20/- (Twenty) Maldivian Rufiyaa Equivalent	US \$ 2/- (two) Maldivian Rufiyaa Equivalent
3.	Hanifaru Entrance Fee ( from December to April)	Per Head	US \$ 10/- (Ten) Maldivian Rufiyaa Equivalent	US \$ 10/- (Ten) Maldivian Rufiyaa Equivalent	US \$ 10/- (Ten) Maldivian Rufiyaa Equivalent	US \$ 2/- (two) Maldivian Rufiyaa Equivalent

## **Appendix 4**

### Actions to be taken against those who violate this regulation

<b>No.</b>	<b>Penalty</b>
1.	The authority responsible for the Management of Hanifaru Marine protected area reserves the rights of restricting the entry to Hanifaru Areas in case of breach in Hanifaru Regulation. •
2.	If a person or a party breaches the Hanifaru Management Regulation, the license or the permit will be revoked. For renewal of the permit a fine of 8000/- Mrf will be charged in such circumstances
3.	If a person or a party visit Hanifaru Island in between 6:00pm to 6:00 am without a permit from EPA, a fine of 10,000/- Mrf will be charged.
4.	Trashing, Vandalism and Destruction of vegetation of Hanifaru Island is prohibited. A person or Parties who breach will be penalized, depending on the severity of the crime from 5000/- Mrf to 10,000/- Mrf.
5.	If a person or a party is responsible for touching, disturbing the living beings he/she will be penalized from 5,000/- Mrf to 10,000/- Mrf
6.	Riding on any animal is strictly prohibited, and penalty for such a crime is 50,000/- Mrf
7.	If a person or a party is responsible for removal of any existing living or non-living form, depending on the severity the person or the party will be charged with a fine of 5000/- Mrf to 10,000/- Mrf.
8.	Any EPA certified in water guide who breaches the regulation his/her certificate will be revoked and penalized with 1000/- Mrf and for renewal of the permit fine of 5000/- Mrf will be charged in such circumstances.
9.	If a person or a party discharge any waste materials on to the Hanifaru Marine Protected areas such a person or a party will be penalized from 5000/- Mrf to 50,000/- Mrf
10.	If any type of a vessel enters Hanifaru Bay Area, the responsible person will be charged with a fine of 50,000/- Mrf.
11.	Any breach other than the mentioned, will be charged with 1,000/- Mrf and if a person or a party repeat, each time an additional 5000/- Mrf has to be paid as a penalty.
12.	A person or a party who torment any protected species the person or the party will be penalized under Regulation number R-9/2011 Environmental Liability Regulation.