



Ministry of Environment and Energy
Malè

Regulationnumber:2013/R-15

REGULATION GOVERNING RECLAMATION AND DREDGING OF ISLANDS AND LAGOONS OF MALDIVES

- Introduction
1. (a) Given that Article 22 of the Constitution of the Republic of the Maldives states that the State shall undertake and promote desirable economic and social goals through ecologically balanced sustainable development and shall take measures necessary to foster conservation, prevent pollution, the extinction of any species and ecological degradation from any such goals; this regulation is constituted for the purpose of pursuing this undertaking;
 - (b) And in this regard to determine the guidelines that would minimise the damage caused to the environment due to reclamation and dredging, pursuant to article 3 of Act No:4/93 (Environment Protection and Preservation Act of Maldives).
- Name
2. This regulation shall be cited as “Regulation Governing Reclamation and Dredging of Islands And Lagoons Of Maldives”.
- Purpose
3. The purpose of this regulation is to determine the guidelines that would minimise the damage caused to the environment due to reclamation and dredging, pursuant to article 3 of Act No:4/93 (Environment Protection and Preservation Act of Maldives).
- Enforcement of regulation
4. This regulation shall be enforced from the day it is published in the government’s gazette.
- Implementation of regulation
5. This regulation shall be implemented by the Environmental Protection Agency, on behalf of the Ministry.
- Issuing permission for dredging and reclamation.
6. (a) The following procedure shall be followed in issuing permission for dredging and reclamation:
Where dredging or reclamation is required, having considered possible circumstances due to which dredging and reclamation may be undertaken pursuant to articles 7 and 8 of this regulation, the applicant shall submit to the implementing agency, the details of the work to be undertaken, the land-use plan and detail reasons why reclamation or dredging is imperative in the given circumstance. Also a Georeference Scale Chart (1:10,000) showing the proposed reclaiming or dredging area before and after the undertaking, must be submitted along with the aforementioned details. Based on these submissions, permission must be obtained from the executive authority.
 - (b) Having obtained the permission prescribed in subsection (a) of this article, the applicant must compile and submit to the implementing agency, the Environmental Impact Assessment Report pursuant to the “Regulation on the Preparation of Environmental Impact Assessment Report 2012”.

- Possible grounds for dredging

7. (c) The implementing agency, having studied the Environmental Impact Assessment report mentioned in subsection (b) of this article, shall inform its decision to the applicant.

(a) Where the island is inhabited:

 - 1. Dredging is required for the improvement of the social or economic status of the island.

(b) Where the island is leased on a commercial basis for industrial, agricultural, tourism or any such purpose:

 - 1. The dredging is crucial to undertake the work authorised by the government to be realised in the island or where the activity undertaken in the island cannot be pursued further without dredging part of the lagoon.
- Possible grounds for reclamation

8. (a) Where the island is inhabited:

 - 1. Reclamation is required for the improvement of the social or economic status of the island.
 - 2. Due to the saturation of land in the island, additional land is required for housing.
 - 3. For the purpose of shoreline restoration or beach protection following beach erosion.

(b) Where the island is leased on a commercial basis for industrial, agricultural, tourism or any such purpose:

 - 1. Reclamation is crucial to undertake the work authorised by the government to be realised in the island or where the activity undertaken in the island cannot be pursued further without reclamation.
 - 2. For the purpose of shoreline restoration or beach protection following beach erosion.
- Sandfilling for shoreline restoration or beach protection following beach erosion.

9 Sand filling or reclamation shall be undertaken for the purpose of shoreline restoration or beach protection following beach erosion, according to the following guidelines:

 - (a) Sandfilling or reclamation shall be undertaken not exceeding 10 (ten) metres from the registered shoreline.
 - (b) The removal of sand for reclamation purposes shall be carried out in areas other than those prohibited under article 13 (c) of this regulation.
- Exemptions

10 In enforcing the provisions prescribed in the articles in this regulation save article 6, the following shall be exempted:

 - 1. Government approved projects operated for the development of inhabited islands.

2. Matters stated in the Initial Concept Plan of islands leased on a commercial basis for industrial, agricultural, tourism or any such purpose
- Dredging standards
11. Where standards to be maintained in dredging is compiled and publicised by a concerned government authority, the dredging must be undertaken according to such standards.
- Reclamation standards
12. Where standards to be maintained in reclamation is compiled and publicised by a concerned government authority, the reclamation must be undertaken according to such standards.
- Permitted and prohibited areas for sand removal and dredging etc.
13. (a) The project owner shall propose to the implementing agency, 3 areas from which sand can be removed for the purpose of reclamation, having indicated them in a Georeference Scale Chart (1:10,000).
 - (b) The possible volume of sand that can be removed from each of the 3 areas indicated and the total volume required for the reclamation project must be submitted to the implementing agency along with the chart prescribed in subsection (a) of this article.
 - (c) Pursuant to this regulation, the removal of sand for reclamation purposes, from the following places is prohibited:
 1. A 100 (hundred) metre distance of the lagoon area between the island's outer reef slope and the beach of the island.
 2. A 500 (hundred) metre distance from the outer rim of any reef or lagoon extending into the atoll's inner waters.
 3. Where an island is located inside the lagoon, a 50 (fifty) metre distance of the lagoon area starting from the island's vegetation line.
 4. An area protected under Act No: 4/93 (Environment Protection and Preservation Act of Maldives) or an area determined as "Environmentally Sensitive Areas".
 - (d) Sand removal or reclamation or dredging closer than 200 (two hundred) metres from an area mentioned in subsection (c) Number 4. is prohibited.
 - (e) In determining the area for dredging or reclamation in islands not having a 300 (three hundred) metre distance between the outer reef slope of the island and the island's vegetation line, the implementing agency must be consulted.
 - (f) Where the implementing agency requires that an area previously permitted for sand removal should be environmentally protected, it has the discretion to prohibit sand removal from such place or area.
 14. (a) The sand and rocks collected during the dredging may be used as follows:
 1. For reclamation
 2. For construction work
 3. For ground-levelling a given area in an island.

4. For coastal protection.

5. To undertake a permitted work that has an approved Environmental Impact Assessment report.

(b) The use of sand and rocks discharged during dredging for purposes save those mentioned above is prohibited under this regulation.

(c) Pursuant to subsection 3 (a) of this regulation, in undertaking any ground-levelling or ground elevation in any island, any act that may damage environmentally significant ecosystems such as mangrove wetlands or marshes is prohibited under this regulation.

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| Dimension of possible area of dredging | 15. | (a) | <p>1. Where the island is inhabited, dredging shall be undertaken according to the island's development plan to the extent reasonable for the given time.</p> <p>2. Where the island is leased on a commercial basis for industrial, agricultural, tourism or any such purpose, dredging shall not exceed 30 (thirty) percent of the island's lagoon area.</p> |
| Dimension of possible area of reclamation | 16. | (a) | <p>1. Where the island is inhabited, reclamation shall be undertaken according to the island's development plan to the extent reasonable for the given time.</p> <p>2. Where the island is leased on a commercial basis for industrial, agricultural, tourism or any such purpose, reclamation shall not exceed 30 (thirty) percent of the island's lagoon area.</p> |
| Notice of landscape alteration | 17. | | <p>During reclamation, where the contours of the island's land or lagoon area is altered, notice of such alteration must be submitted to the implementing agency having indicated the island's shoreline and vegetation line in a Georeference Scale Chart (1:10,000).</p> |
| Environmental protection or damage mitigation from the possible environmental impact due to reclamation and dredging | 18. | (a) | <p>Whenever the implementing agency finds environmental degradation caused due to an ongoing reclamation or dredging work, notwithstanding that the work is pursued with due permission from a government authority, the implementing agency has the discretion to stop the work pursuant to article 6 of Act No:4/93 (Environment Protection and Preservation Act of Maldives). Furthermore the implementing agency has the discretion to recover compensation for the environmental degradation caused by the work pursuant to the "Regulation for the Determination of Penalties and Obtaining Compensation for Damages Caused to the Environment".</p> |
| Breach of Regulation | 19. | | <p>Where any party acts in breach of this regulation, the party shall be penalised pursuant to the "Regulation for the Determination of Penalties and Obtaining Compensation for Damages Caused to the Environment".</p> |
| Amending the regulation | 20. | | <p>The Ministry has the absolute authority to bring amendments to this regulation. Where the Ministry requires amendments to be brought to this regulation, the amendment shall be published in the Government Gazette.</p> |
| Definitions | 21. | | <p>Dredging: Dredging means the deepening or removal of sand/rock from any part of the lagoon area. However, the removal of sand from the lagoon without the use of machinery, by the citizens of the island for their exigencies is excluded from this definition of dredging.</p> <p>Reclamation: reclamation means the reclamation of any part of the lagoon using sand or any other material.</p> <p>Ministry: Ministry means the government ministry formed by the President of Maldives, vested with all the powers of enacting and executing policies relating to the environment.</p> <p>Implementing Agency: Implementing agency means the Environmental</p> |

Protection Agency.

Registered Shoreline: Registered Shoreline means the line indicated as the shoreline in the initial chart proposed for the island's development.

Shoreline: Shoreline means the line indicating the beginning of the beach in high tide.

Development Plan: Development Plan means government approved plans for the development of inhabited islands.