

**Regional Secretariat for Energy, Environment and Tourism**

**Ordinance no. 52/2018, of 23 May**

Pico Mountain has a set of natural values, which determined its classification as an integral reserve, by the Decree no. 79/72, of 8 March. This protection statute was reinforced and extended with the establishment of the Pico Mountain Nature Reserve, by the Regional Decree no. 15/82/A, of 9 July, and subsequently reclassified and integrated in Pico Nature Park, by the Regional Legislative Decree no. 20/2008/A, of 9 July.

The preservation of Pico Mountain Nature Reserve's natural values requires a controlled access and law enforcement, concerning a conduct that is compatible with the objectives associated with the areas classified as protected.

Although the article 8 of the Regional Legislative Decree no. 20/2008/A, of 9 July, defines the prohibited and conditioned activities in the Pico Mountain Nature Reserve, an access policy towards the mountain climbing has not been established, nor a specific regulation related to recreational and visitation activities that occur in this area.

The regulation of these aspects results from the need to promote, manage and valorise this protected area's natural and cultural resources and values, arranging and regulating the interventions that are likely to degrade the landscape, and to provide a safe access to visitors, considering the natural difficulties and the inherent risks of climbing a natural area with Pico Mountain's characteristics, subject to frequent weather changes and long periods of reduced visibility.

Alternatively, the user must execute the nature and biodiversity conservation policy based on the compensation principle of the negative effects caused by the usage of natural resources.

In the spirit that guided the Ordinance no. 29/2016, of 22 March, it is important to increase the individual responsibility mechanisms, applied to visitors, and to adjust the Pico Mountain access fees, as instruments of environmental protection of this nature reserve and motivation for the development of activities with specialized operators and qualified mountain guides.

The Regional Council for the Environment and Sustainable Development (Conselho Regional do Ambiente e Desenvolvimento Sustentável - CRADS) and the Azores Mountain Guides Association (Associação de Guias de Montanha dos Açores - AGMA), were heard.

Therefore, the Regional Government of the Azores requires, by the Regional Secretariat for Energy, Environment and Tourism, under the terms of no. 1 of article 7 of the Regional Legislative Decree no. 30/2012/A, of 3 July, and the subparagraph f), of no. 2 of article 7 of the Regional Legislative Decree no. 20/2008/A, of 9 July, together with the subparagraphs b), e), and g) of article 14 of the Regional Regulatory Decree no. 9/2016/A, of 21 November, the following:

1. The Access Regulation to Pico Mountain Nature Reserve is approved and constitutes an attachment to the present Ordinance, of which it is an integral part.
2. It revokes the Ordinance no. 29/2016, of 22 March.
3. The present Ordinance takes effect from 1 June 2018.

Regional Secretariat for Energy, Environment and Tourism.  
Signed on 9 May 2018.

## **Attachment**

### **Access Regulation to Pico Mountain Nature Reserve**

#### Article 1

##### **Framework and object**

1. The present regulation establishes the access policy to Pico Mountain Nature Reserve, in the Autonomous Region of the Azores, applying to everyone who intends to:
  - a) Enjoy Pico Mountain's landscape and its ecological and geological values;
  - b) Develop other activities at Pico Mountain, namely for work purposes, scientific researches and provision of public services.
2. The content of this Ordinance does not apply to rescue, emergency and security operations, as well as maintenance works in the trail or related to nature conservation.

#### Article 2

##### **Visitors**

1. The access to Pico Mountain, in the terms of subparagraph a) of no. 1 of the previous article, can be made autonomously or through a service provided by qualified entities as presented in the following article, and needs Pico Nature Park's authorization.
2. Visitors under the age of 16 must be accompanied by the holder of parental responsibility or individual of legal age, duly authorized by a written declaration of the first.

#### Article 3

##### **Qualified entities to operate on Pico Mountain**

1. Only the entities registered as tourist entertainment companies can operate on Pico Mountain Nature Reserve, as well as, travel agencies, proprietary or operating companies of tourist enterprises and nature tourism enterprises, recognized by the Regional Government department responsible for tourism issues.
2. The entities mentioned above provide their services through mountain guides, certified by the Regional Government department responsible for environmental issues, and shall be available, at least, one mountain guide per group of a maximum of 15 persons.
3. Mountain guides must carry an identification and a certificate as proof that they work or provide services for the entities mentioned in no. 1.

## Article 4

### **Other activities**

1. Without prejudice of compliance of specific legislation and regulation, activities referred in the subparagraph b) of no. 1 of article 1, require previous authorization of the Regional Government department responsible for environmental issues.
2. The requirement submitted for the effect must be reasoned and identify unambiguously the activity performed and the intervention area.

## Article 5

### **Trail and load capacity**

1. The access to Pico Mountain, under the terms of the subparagraph a) of no. 1 of article 1, is made by PR4 PIC Mountain trail, marked on the ground, with.
2. The trail's load capacity is 160 visitors, simultaneously, and can be reduced or increased, up to 25%, by decision of the Director of Pico Nature Park, for a specific period, based on the trail's condition and weather.
3. The mountain top's ("Pico Pequeno" or "Piquinho") load capacity is restricted to 30 visitors, simultaneously, without exceeding the maximum period of 30 minutes, except for visitors accompanied by a mountain guide, which can be extended for another 30 minutes, under requirement of the designated entity in no. 1 of article 3.
4. The overnight stay at the Pico Mountain crater, considering as such the climbs that occur between 16h00 and 24h00 of each day, in the period from 1 June to 31 October, and between 14h00 and 24h00 of each day, in the period from 1 November to 31 May, and whose descent ends after 8h00 of the following day, is conditioned to reservation and a maximum of 32 visitors per day.
5. The entities listed in no. 1 of article 1 may operate in areas outside the PR4 PIC Mountain trail under a requirement, identifying unambiguously the activity to be performed and its intervention area, after the approval of the Regional Government department responsible for environmental issues, which determines the access conditions, the load capacity and the applicable fees.

## Article 6

### **Authorization**

1. The permit request referred in article 2 are processed through specific forms, which are available in the Regional Government website and also at:
  - a) Mountain's House and Pico Nature Park headquarters, during their opening times;
  - b) Madalena Fire Department Headquarters, out of the Mountain's House opening times.
2. The individual forms are accompanied with a responsibility declaration of the security and conduct in Pico Mountain Nature Reserve and the exclusion of any responsibility of the regional administration for accidents that occur while on the trail.
3. Group forms, including group responsibility declaration, can only be submitted by the entities referred in no. 1 of article 3, when they are responsible for their visitors' security and conduct.

## Article 7

### **Reservation portal**

1. Pico Nature Park provides an online portal to reserve access to Pico Mountain.
2. The membership to the portal by the entities referred in no. 1 of article 3 is provided under a requirement to the Director of Pico Natural Park.

## Article 8

### **Operation of Mountain's House**

The operation of Mountain's House is ensured by Sociedade de Gestão Ambiental e Conservação da Natureza - AZORINA, S. A., along with Pico Nature Park, which guarantees its opening in the following periods:

- a) From 1 July to 30 September, 24 hours a day;
- b) From 1 to 31 May and 1 to 31 October, continuously, from 08h00 of Friday to 20h00 of Sunday, and from 08h00 to 20h00 in the other days;
- c) From 1 November to 30 April, every day from 08h00 to 18h00.

## Article 9

### **Access fees, information and tracking equipment**

- 1) Besides the authorizations referred in article 6, the access to Pico Mountain is subject to the payment of the following fees, charged by AZORINA, S.A.:
  - a) €15,00 – per each visitor who climbs autonomously;
  - b) €5,00 – per each visitor who climbs through a service provided by the entities referred in no. 1 of article 3;
  - c) €2,00 – per each visitor who climbs to Furna Abrigo.
- 2) The access to the mountain top (“Pico Pequeno” or “Piquinho”) is subject to the payment of the following additional fees:
  - a) €5,00 – per each visitor who climbs autonomously;
  - b) €2,00 – per each visitor who climbs through a service provided by the entities referred in no. 1 of article 3.
- 3) The overnight stay at the Pico Mountain crater is subject to the payment of an additional fee of €10,00 per each visitor who climbs autonomously.
- 4) The visitors who are residents of the Autonomous Region of the Azores are exempt from payment of the fees referred in no. 1, 2 and 3 of this article.
- 5) The entities referred in no. 1 of article 3, being a member of the programme “Parceiro para o Desenvolvimento Sustentável” have 50% discount on the fees referred on the paragraphs b) and c) of no. 1, and b) of nº. 2.
- 6) The fees mentioned in the numbers above are paid in the places referred in no. 1 of article 6, prior to access the mountain, when a tracking equipment is given to the visitors, as well as information about the present regulation, the trail conditions and average duration, the conduct and security laws, weather forecasts and the terms and conditions of rescue operations.
- 7) When the access is made through a service provided by the entities referred in no. 1 of article 3, it is the entity's responsibility to pay the fees and to collect the tracking equipment, as well as to provide the information referred in the previous number.
- 8) The fees due to the reservations made through the portal referred in article 7 must be paid 48 hours ahead of the activity date, under penalty of automatic cancellation of the reservation.

9) Reservations may be accepted through the portal referred in article 7 with less than 48 hours ahead of the activity date if the respective fees are paid immediately.

10) AZORINA, S.A. ensures full refund of previously paid fees when the reservation is cancelled with, at least, 48 hours in advance, as well as in cases when the activity is cancelled due to an access restriction to the mountain, under the terms of article 11.

#### Article 10

##### **Returning the tracking equipment**

1. At the end of the activity, the tracking equipment must be returned to the Mountain's House or, out of its opening times, at Madalena Fire Department headquarters.

2. Not returning or damaging the tracking equipment obligates the user to compensate for the replacement or damage caused.

3. At the moment the tracking equipment is available, the visitor or the entity referred in no. 1 of article 3, may choose to pay an exclusion of liability fee in case of damage, in the amount of €25,00 per device.

4. Not returning the tracking equipment is subject to the payment of a €275,00 compensation, deducting the fee referred in the previous number, in case of its payment.

5. Damage to the tracking equipment is subject to the payment of a €275,00 compensation, except when the user is free from the liability, for having paid the fee referred in no. 3 of this article.

#### Article 11

##### **Access interdiction**

The access to Pico Mountain may be prohibited:

a) Due to safety reasons, resulted from a warning by the Regional Government department responsible for civil protection issues;

b) To persons who do not bring suitable equipment for the trail;

c) To persons who show signs of psychological disturbance, alcoholism or being under the effect of psychotropic substances;

d) To persons carrying infant in arms;

e) To persons accompanied by pets.

#### Article 12

##### **Restrained or conditioned activities**

In Pico Mountain Nature Reserve every activity listed in article 8 of the Regional Legislative Decree no. 20/2008/A, of 9 July is restricted and conditioned.

## Article 13

### **Rescue**

1. For the purposes of this Regulation, rescue is defined as a search and rescue operation, assured by civil protection services and necessary for the aid and assistance of one or more visitors.
2. The expenses are charged to visitors and entities referred in no. 1 of article 3, under the circumstances mentioned in no. 3 of article 6, due to non-compliance to the present Regulation, including negligence for safety rules applicable to mountain climbing and conduct on Pico Mountain, or requested without justification.

## Article 14

### **Contravention Regulation**

1. It constitutes a contravention the following acts:
  - a) The access to the mountain by a non-qualified entity in violation to no. 1 of article 3;
  - b) The provision of services by the entities referred in no. 1 of article 3 without a mountain guide certified by the Regional Government department responsible for environmental issues, as well as the unavailability of a mountain guide for each group of 15 persons.
  - c) Mountain guides without identification or a certificate as proof that they work or provide services for the entities mentioned in no. 1 of article 3.
2. The contraventions foreseen in the previous number are punishable under the terms of the referred in no. 2 of article 31 of the Decree-Law no. 108/2009, of 15 May, amended and republished by the Decree-Law no. 95/2013, of 19 July, and by the Decree-Law no. 185/2015, of 3 September, without prejudice to the possibility of accompanying sanctions provided in article 32 of the same regulation and its conditions.
3. Without prejudice of the referred in no. 4 of article 149 of Regional Legislative Decree no. 15/2012/A, of 2 April, combined with article 8 of Regional Legislative Decree no. 20/2008/A, of 9 July, and article 12 of the present Regulation, it constitutes an infringement the following acts:
  - a) The non-authorized access, the non-payment of fees, the deviation from the trail PR4 PIC Mountain and the violation of the load capacity and permanence time in the mountain top, punishable as a light environmental contravention, under the terms of the subparagraph a) of no. 3 of article 149 of the Regional Legislative Decree no. 15/2012/A, of 2 April.
  - b) The destruction or alteration of the trail's marking or any other signposts, punishable as a light environmental contravention under the terms of the subparagraph l) of no. 3 of article 149 of the Regional Legislative Decree no. 15/2012/A, of 2 April.