

F. * ENVIRONMENTAL PROTECTION ***OCEAN DISPOSAL OF PLASTICS BAN AND
GARBAGE DUMPING RESTRICTIONS**

On December 31, 1988, a new federal law took effect prohibiting all vessels in U.S. waters from discharging plastics at sea. The new law, the Marine Plastic Pollution Research and Control Act (MPPRCA), implements an international treaty known as **MARPOL Annex V**. Besides prohibiting the discharge of plastics, the law also restricts dumping of other vessel-generated garbage at sea including paper, glass, metal and food wastes.

Garbage in our waters not only looks bad, but it can cause problems for boaters and for wildlife that live in or around the water. The MARPOL treaty requires a placard on all U.S. vessels 26' or longer. One or more placards must be prominently posted for all crew and passengers to read. In addition, a written waste management plan is required on all U.S. oceangoing vessels 40' or longer, which are engaged in commerce or are equipped with a galley and berthing.

Boaters who witness suspected violations of vessel garbage dumping laws may report the violations to the nearest Marine Safety Office or Captain of the Port. If you witness a violation, get as much information as possible about the suspected vessel, including the vessel's registration number and state, the vessel's name and description, what was thrown overboard, and the location and time of the incident.

A sample placard outlining the restrictions is located at the end of this section. For further information contact the nearest Coast Guard Marine Safety or Captain of the Port Office.

**OIL POLLUTION COMPLIANCE WITH THE
FEDERAL WATER POLLUTION ACT**

The Federal Water Pollution Act prohibits discharges of harmful quantities of oil into U. S. navigable waters or adjoining shorelines. Further, the person in charge of a vessel or facility that discharges oil in violation of the Act is required to notify the Coast Guard's National Response Center at (800) 424-8802 as soon as he or she has knowledge of the spill.

The penalty for illegal discharges is a civil penalty of up to \$125,000 against the owner, operator, or person in charge of the source. Failure to notify the Coast Guard of a discharge is punishable by a criminal penalty of fines or up to 5 years imprisonment or both, against the person in charge of the source.

The owner or operator of the source of a discharge is also liable for all removal costs, as well as claims of loss or injury by third parties.

Harmful quantities of oil have been defined by the Environmental Protection Agency (EPA) as those that violate applicable water quality standards or cause a film or sheen on the surface of the water, or cause a sludge or emulsion to be deposited beneath the surface of the water or on adjoining shorelines.

Discharge of oil placards must be at least 5" x 8" and fixed in a conspicuous place in each machinery space, or at the bilge and ballast pump control station. Placards must be printed in the language or languages understood by the crew. **A sample discharge of oil placard is at the end of this section.**

MARINE SANITATION DEVICES (MSD)

MSD regulations have been in effect for all vessels since January 30, 1980. A vessel that operates in U.S. territorial waters (generally, within three miles from shore) and has installed toilets must be equipped with an MSD. This includes fishing vessels, U.S. and foreign flag merchant vessels and recreational boats.

The following are the most commonly asked questions about MSD's **See image of an MSD at the end of this section.:**

Q: Are there "grandfather" clauses or other regulations to ease the requirements for vessels built prior to the MSD regulations?

A: Generally, no. The Commandant of the Coast Guard may grant a waiver if space or power constraints prevent installation of any commercially available MSD. Typical fishing vessels of the New Bedford fleet have sufficient space and electrical power and waivers have not been granted for this type of vessel.

Q: Is there any area where raw sewage may be discharged overboard from a vessel?

A: Yes. When a vessel operates outside of U. S. Territorial waters, generally more than three miles offshore, untreated sewage from installed toilets may be discharged overboard.

Q: Can a vessel be in compliance with the MSD regulation by closing and locking the overboard discharge valve from installed toilets while inside of U. S. Territorial waters?

A: No. If a vessel has installed toilets and operates in U.S. Territorial waters then it must be equipped with a certified MSD. If a vessel does not have installed toilets or the system is rendered "permanently" inoperable, then MSD regulations

do not apply. Locking the overboard discharge valve does not render the system "permanently" inoperable. To be permanently inoperable, fixtures, piping, etc., must be removed from the vessel.

Q: Are portable systems (port-a-potties) acceptable?

A: Portable systems are self-contained and therefore are not considered to be installed facilities. Many recreational vessels are equipped with only portable systems and are considered to be in compliance. Vessel owners wishing to avoid the expense of installing a certified MSD may totally remove the installed system and put a portable system onboard, thus making themselves no longer subject to the MSD regulations. This is sometimes feasible on recreational vessels but impractical for most commercial fishing vessels.

Q: Are MSD's required to be Coast Guard certified?

A: Type I and Type II devices must be Coast Guard certified and have a label with a certification number attached to the MSD. The Coast Guard certifies some Type III devices, holding tanks, without review. Holding tanks that store sewage and flushwater at ambient temperature and pressure are self-certified under **33 Code of Federal Regulations, Part 159.12(a)**.

Q: What capacity should the holding tank for a Type III device be?

A: This depends on the number of crew onboard, the amount of time the vessel is operated in Territorial waters and the number of gallons used per flush. Remember, it is not a violation to discharge sewage overboard when outside U. S. Territorial waters.

NEW ENGLAND'S PROTECTED WHALES

Whaling, a major New England industry until the mid 1850's caused the decline of whale populations. The great whales became scarce off New England by the 1700s. The replacement of whale oil by mineral oil in the 1900s, and the worldwide depletion of whale stocks stopped most whaling activity. A worldwide International Whaling Commission moratorium on whaling became effective in 1986.

The Gulf of Maine is a semi-enclosed area of 638 square miles bounded by the New England states, Nova Scotia, and Georges Bank. It is a productive area offering significant habitat to several endangered whale species. Large whales commonly occur over the sandy shoals of Stellwagon Bank, Jeffreys Ledge, and Cape Cod Bay. These three high-use areas are major feeding grounds for baleen whales, although breeding and nursing activities also may occur there. Whales in these areas are known to occur closer to shore than in other areas of the Gulf of Maine. Therefore, it is extremely important

to keep a sharp lookout for whales at all times when boating in the Gulf of Maine.

The habitat of whales continues to be threatened, directly and indirectly, by urban, agricultural, and industrial waste discharges; ocean dumping; commercial fishing; and commercial, recreational, and private boating activities. Therefore, some whale species remain on the U.S. endangered species list. The following whale species are on New England's endangered species list.

RIGHT WHALE



Drawing courtesy of Center for Coastal Studies

The right whale population is the most severely depleted in all oceans. Right whales are large (up to 50 feet and 60 tons), robust, slow-moving baleen whales. Distinctive features of right whales include the lack of a dorsal fin, and white, crusty growths on the tops of their upper jaws and heads called "callosities." These whales appear to spend a significant part of their lives in New England waters. They occur in the Gulf of Maine from about April through January, although some may reside in the area year-round. They can be seen on Jeffreys Ledge and Stellwagon Bank off the coasts of Maine, New Hampshire, Cape Ann, and Cape Cod. Calving is believed to occur off Florida and Georgia, although calves have been seen in the New England area. However, seasonal and annual movements of right whales are not well understood and may be more sensitive to human activities than other great whales.

Recent evidence indicates Right Whales are frequent victims of collisions with boats and ships. Vessel operators should be alert for the presence of these whales and should take all necessary precautions to avoid them.

There are two designated Critical Habitats for the Northern Right Whale off the New England Coast. In addition, all type whales also frequent the Stellwagon Bank National Marine Sanctuary. Mariners should be especially alert for whales in these areas (especially during February to May in the Cape Cod Bay and during April to May in the Great South Channel

habitat areas) and should avoid close approaches or collisions. The designated Critical Habitat areas are:

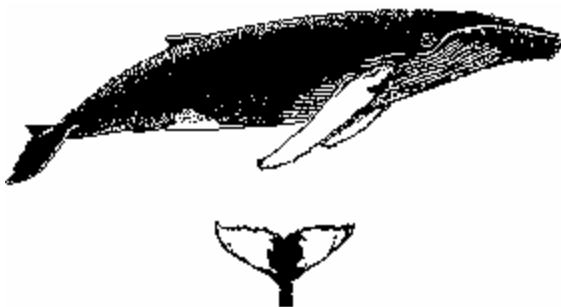
Great South Channel: The area bounded by 41-40N 69-45W; 41-00N 69-05W; 41-38N 68-13W; and 42-10N 68-31W.

Cape Cod Bay: The area bounded by 42-04.8N 70-10W; 42-12N 70-15W; 42-12N 70-30W; 41-46.8N 70-30W; and on the south and east by the interior shoreline of Cape Cod, MA.

RIGHT WHALE INFORMATION NETWORK

NMFS has organized a seasonal effort to locate Northern Right Whales so that boaters can avoid Right Whale concentration areas. From January through June, Coast Guard and the Center for Coastal Studies aircraft and boats will conduct periodic surveys to locate whales in Cape Cod Bay and the Great South Channel. The general location of whale concentrations will be distributed via Coast Guard safety broadcasts and NOAA weather radio. On occasion, survey boats and aircraft may contact boats to warn them of whales in their path. Boaters are strongly urged to avoid these areas of concentration.

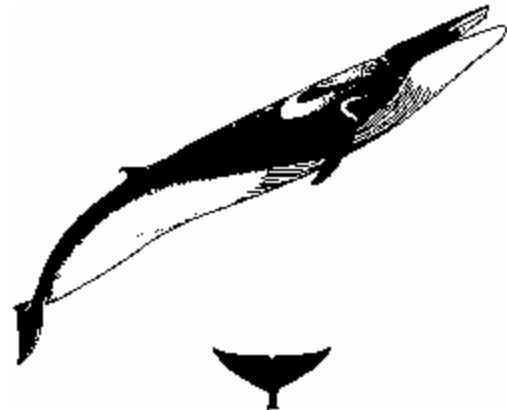
HUMPBACK



Drawing courtesy of Center for Coastal Studies

Humpback whales are large, stocky baleen whales, named for their habit of arching their backs before they dive. Humpbacks can attain lengths of 50 feet and weigh 30 tons. These whales have bumps on their heads and their dorsal fins are small and vary in size and shape. Their "flukes" or tails have saw-toothed trailing edges and vary in color from all white to all black. Humpbacks can be seen on Jeffreys Ledge and Stellwagon Bank off the coasts of Maine, New Hampshire, Cape Ann, and Cape Cod from spring through fall. In late fall and early winter, they leave New England waters and migrate to the Caribbean Sea to breed and calve.

FIN WHALE



Drawing courtesy of Center for Coastal Studies

Fin whales are very large, slender, fast-swimming, baleen whales that can reach lengths of 70 feet and weigh 50 tons. They are the largest whales in New England waters, second only to the blue whales. Fin whales are named for their large well-formed dorsal fin. The "chevron", a white streak that starts behind these animals' blowholes and continues along each side of their bodies, is another distinctive feature. Fin whales can be seen on Jeffreys Ledge and Stellwagon Bank off the coasts of Maine, New Hampshire, Cape Ann, and Cape Cod, and off the coast of Long Island from spring through fall. They move south and/or offshore into deep water in the winter.

The National Marine Fisheries Service (NMFS) is a federal agency responsible for protecting whales within U.S. waters under the Marine Mammal Protection Act of 1972 (MMPA) and the Endangered Species Act of 1973 (ESA). These Acts make it illegal to harass or otherwise harm any marine mammal. "Harassment" is defined as any intentional or negligent act that substantially disrupts the normal behavior of an animal. Reactions by whales that may indicate a disruption of normal behavior patterns include, but are not limited to, rapid changes in direction or speed; prolonged diving; apparently evasive swimming patterns; interruption of feeding, nursing, or breeding activities; and protective movements to shield a calf from a vessel. Continued harassment may result in whales abandoning important feeding grounds or in other less obvious effects.

To prevent harassment of whales, NMFS has developed guidelines for vessel operators in New England waters. Failure to observe these guidelines may result in harassment of whales. Harassment is a violation of the MMPA and ESA, and may result in fines or civil penalties of up to \$25,000 or criminal

penalties of up to \$50,000, plus imprisonment, and/or seizure of vessel and other personal property.

Very recently an agreement between the U.S. Coast Guard and the National Marine Fisheries Service was signed to provide additional enforcement. Under the agreement, Coast Guard vessels will add routine surveillance to their other duties and will stop and board vessels caught fishing or dumping illegally or threatening endangered species. Special patrols will monitor the area, especially between April and October, when there are the most recreational boaters and commercial fishermen.

For more information contact: National Marine Fisheries Service, Northeast Region, One Blackburn Drive, Gloucester, MA 01930-2298; (508) 281-9254.

WHALE INFORMATION NETWORK

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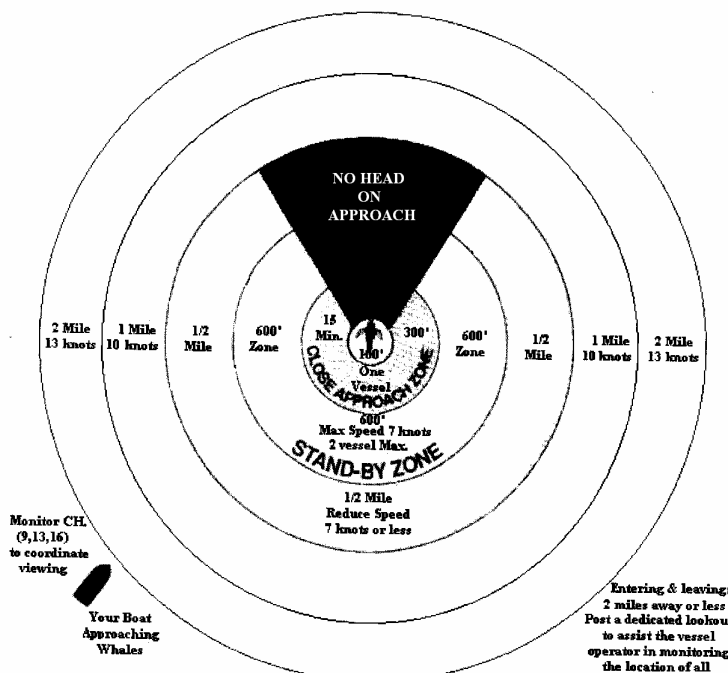
WHALE WATCH GUIDELINES

NMFS has issued final regulations (50 CFR 222.32) that restrict the approach of boats to Northern Right Whales. These regulations make it illegal to approach to less than five hundred yards from the right whale. If a vessel is within 500 yards of a right whale, the following avoidance measures are to be taken:

- If underway, vessels must steer a course away from the right whale and immediately leave the area at a slow speed;
- An aircraft conducting whale watch activities must take a course away from the right whale and immediately leave the area at a slow speed.

These provisions do not apply if compliance would cause imminent and serious threat to person, vessel, or aircraft; or when investigating a right whale entanglement of injury, or when assisting in the rescue or disentanglement of a right whale provided that permission is received from NMFS or a NMFS designee prior to approach.

The following whale watch guidelines should be followed for all other (non-Right Whale) watch activities:



A. When in sight of whales (1/4 mile or 1500 ft):

- Avoid excessive speed or sudden changes in speed or direction.
- Aircraft observe the FAA minimum altitude

regulation of 1000 feet over water.

B. Close Approach procedure (300 ft):

- Approach stationary whales at no more than idle or "no wake" speed.
- Parallel the course and speed of moving whales.
- Do not attempt a "head on" approach to moving or resting whales.

C. Multi-vessel approach (within 300 ft):

- All vessels in close approach stay to the side or behind the whales so they do not box in the whales or cut off their path.
- When one vessel is within 300 feet, other vessels stand off at least 300 feet from the whale.

- The vessel within 300 feet should limit its time to 15 minutes in close approach to whales.

D. No intentional approach (within 100 ft):

- Do not approach within 100 feet of whales.
- If whales approach within 100 feet of your vessel, put engine in neutral and do not re-engage props until whales are observed at the surface, clear of the vessel.

Active whales require ample space. Breaching, lobtailing, and flipper slapping whales may endanger people and/or vessels. Feeding whales often emit sub-surface bubbles before rising to feed at the surface. Stand clear of light green bubble patches. In all cases do not restrict normal movement or behavior of whales, or take actions that may evoke a reaction from whales or result in physical contact with a whale. Diving on whales is considered to be an intentional approach of whales and may be considered a violation of federal law.

ENTANGLED WHALES

In recent years, an increasing number of large whale entanglements with fishing gear have been reported in New England and Mid-Atlantic waters. An institution in Provincetown—the Center for Coastal Studies (CCS)—has been contracted by NMFS to conduct disentanglements. The CCS is currently the only organization in the Northeast with a Letter of Authorization to respond to large whale entanglements. Disentanglements can be dangerous to both the whale and human lives.

One of the most critical ways in which you can assist the CCS disentanglement team is in your role as a reliable observer out on the water. In order for the CCS team to plan a successful disentanglement effort, indirect assistance with reporting and monitoring provided by vessel operators is crucial. Very often the first reports of an entanglement, even from a trained observer, are filled with alarm and little fact. The correct decision on whether to attempt a disentanglement effort cannot be made if observers do not accurately describe the entanglement. CCS needs detailed information on the time and location of incident, time of the report, description of the entanglement (type of gear, etc.), whale's appearance and behavior, and if there is any evidence of a vessel collision. Sightings of entangled whales should be reported to the Coast Guard or CCS (1-800-900-3622 or 508-487-3622).

DISCHARGE OF OIL PROHIBITED

The Federal Water Pollution Control Act

prohibits the discharge of oil or oily waste into or upon the navigable waters of the United States, or the waters of the contiguous zone, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States, if such discharge causes a film or discoloration of the surface of the water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to substantial civil penalties and/or criminal sanctions, including fines and imprisonment.



**Report all discharges to the
National Response Center at 1-800-424-8802
or to your local U.S. Coast Guard office
by phone or VHF radio, Channel 16.**

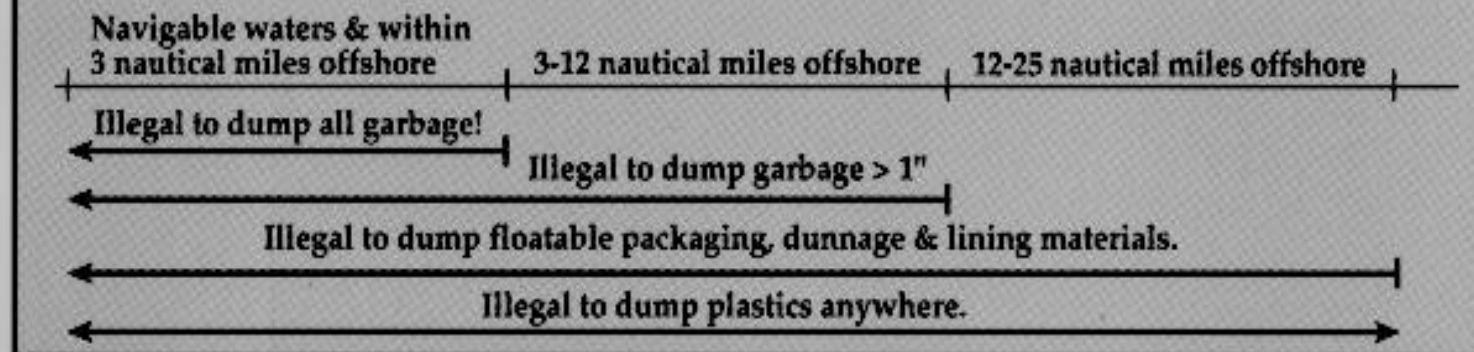


MARPOL Garbage Dumping Restrictions

Under U.S. federal law, it is illegal to discharge plastic or garbage mixed with plastic into any waters. Regional, state or local regulations may also apply. All discharge of garbage is prohibited in the Great Lakes and their connecting or tributary waters.

Violators are subject to a civil penalty of up to \$25,000, a fine of up to \$500,000, and 6 years imprisonment.

Open Ocean Restrictions



Report marine pollution incidents to the National Response Center at 1-800-424-8802 or to your local Coast Guard office by phone or VHF radio, channel 16.



Keep our nation's waterways clean-it's the law!

MARINE TOILET AND MARINE SANITATION DEVICE (MSD)

