

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

4495 HCRA HCR 33 - HJR 61



HCR

33

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House C+RA

3-3-88

3:00 p.m.

for CRA

PUBLIC OPINION MESSAGE

FEB 19 1988

DEAR: REPRESENTATIVE SPRINGER

NAME: CHARLES G. & MARY K. ANDERSON

TITLE:

ADDRESS: 5464 DICKSON RD.

CITY: DELTA JCT.

ZIP: 99737

PHONE: 895-4041

BILL NO:

SUBJECT: HCR 33 & SCR 36 - LOCAL BOUNDARY COMMISSION

MESSAGE: WE SUPPORT BOTH BILLS. ALSO CONSIDERATION SHOULD BE GIVEN TO FREEZE THE SIZE OF EXISTING BOROUGHES AS IT IS APPARENT THAT THEIR SOLE REASON FOR EXPANSION IS TO INCREASE THE REVENUES NEEDED TO SUPPORT THEIR LARGE URBAN LIFESTYLE WITH NO REGARD OR BENEFIT TO THE RURAL RESIDENTS THEY ENGULF.

POMID: 02134353

DATE: 02/18/88

TIME: 13:43:53

LIONAME: DELTA JUNCTION LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

ADAMS	BARNES	ABOOD
BOUCHER	BOYER	BINKLEY
BROWN	CATO	COGILL
COLLINS	COTTEN	CUNCAN
DAVIDSON	DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FRANK	FURNACE	FAIKS
GOLL	GRUENBERG	FANNING
GRUSSENDORF	HANLEY	FISCHER
HERRMANN	HOFFMAN	HALFORD
HUDSON	KOPONEN	HENSLEY
LARSON	MARTIN	JONES
MENARD	MILLER	JOSEPHSON
NAVARRE	PEARCE	KELLY
PETTYJOHN	PHILLIPS	KERTTULA
POURCHOT	RIEGER	RODEY
SHULTZ	SUND	STURGULEWSKI
SWACKHAMMER	TAYLOR	SZYMANSKI
ULMER	WALLIS	UEHLING
ZAWACKI		ZHAROFF

PLA for CRA

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE SPRINGER

FEB - 8 1988

NAME: LINDA MAGGARD
TITLE:
ADDRESS: 5878 HANSON RD.
CITY: DELTA JCT. ZIP: 99737
PHONE: 895-4222
BILL NO: HCR 33
SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
MESSAGE: PLEASE SUPPORT THIS BILL.

POMID: 02152013
DATE: 02/05/88
TIME: 15:20:13
LIONAME: DELTA JUNCTION LIO

COPIES: REPRESENTATIVES REPRESENTATIVES

- | | |
|-------------|-----------|
| ADAMS | BARNES |
| BOUCHER | BOYER |
| BROWN | CATO |
| COLLINS | COTTEN |
| DAVIDSON | DAVIS |
| DONLEY | ELLIS |
| FRANK | FURNACE |
| GOLL | GRUENBERG |
| GRUSSENDORF | HANLEY |
| HERRMANN | HOFFMAN |
| HUDSON | KOPONEN |
| LARSON | MARTIN |
| MENARD | MILLER |
| NAVARRE | PEARCE |
| PETTYJOHN | PHILLIPS |
| POURCHOT | RIEGER |
| SHULTZ | SUND |
| SWACKHAMMER | TAYLOR |
| ULMER | HALLIS |
| ZAWACKI | |

PUBLIC OPINION MESSAGE

Russ Sr / CRA

DEAR: REPRESENTATIVE SPRINGER

NAME: BOB NIEBRUGGE
TITLE: COPPER BASIN BOROUGH INFO. COMM.
ADDRESS: BOX 365
CITY: GLENNALLEN ZIP: 99588
PHONE: 822-3256
BILL NO: HCR 33
SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
MESSAGE: WE FULLY ENDORSE HCR 33. WITHOUT THIS SUPPORT FROM THE HOUSE, WE
FEAR OUR OWN EFFORT TO ORGANIZE COPPER RIVER REAA 17 WILL BE SERIOUSLY DILUTED.
A VOLUNTEER COMMITTEE CAN NOT SIMULTANEOUSLY RESIST ANNEXATION AND EFFECTIVELY
PURSUE SELF GOVERNMENT. PASSAGE OF HCR 33 IS ESSENTIAL TO OUR BOROUGH
FORMATION EFFORTS.

POMID: 01104010
DATE: 02/03/88
TIME: 10:40:10
LIONAME: GLENNALLEN LIO

COPIES: REPRESENTATIVES

- LARSON
- SHULTZ
- MENARD
- CATO
- COLLINS
- HERRMANN
- ZAWACKI

FEB - 4 1988

⑧ HCR 33

FEB 3 - 1988

CRA

January 28, 1988

All Legislators of Alaska
P. O. Box V
Juneau, AK 99811

To All the Legislators of the State of Alaska:

As a member of the rural constituency of Alaska I support and ask that you support SCR 36 or HCR 33. As an advocate of these resolutions, I oppose 2nd SSHB-1 and ask that you do likewise. The following are some of my reasons for supporting the resolutions and opposing the house bill.

1. Mandatory or voluntary formation or annexation of boroughs must be studied prior to and not after boundary decisions are made in order to determine residents desires, educational needs, resource and economic capabilities, usefulness to residents, etc.
2. The Local Boundary Commission wields more power over Alaskan residents than it should. We need to investigate this department to ensure it openly approaches the people of this state.
3. Lesser classifications of local government must be considered and presented to the people.
4. Present monstrously oversized boroughs that do not represent or service ALL of their residents should not be allowed any further annexation of land, people, and businesses until they can prove to the State of Alaska that they are meeting the needs of every person, place and business within their present boundaries. (ie Mat-Su Borough). Inequities occur daily within these gigantic local government entities. I honestly believe the boroughs should not be allowed to get any larger but should be limited in size.

5. The creator of 2nd SSHB-1 stated in a letter to the Railbelt School District that "an area covering 2/3's of the state (is) operating under a complex...confusing system of...governments, and service areas...". This refers to land mass and not population density. The Regional Government Study states that of a total state population of 553,880 only 56,650 people (10% of the total population) live in unorganized areas with 40,516 of those people residing in 1st class, 2nd class or home rule cities. That leaves a mere 12,934 (2% of the total population) taking care of themselves and their neighbors in the unorganized areas. This leads me to conclude that the creator of 2nd SSHB-1 is not concerned with the people of rural Alaska, but rather with the number of dollars that he can garner off of such projects as the pipeline. It is therefore the land mass and not the people that the boroughs and their supporting urban legislators are lusting after.

6. Department of Community and Regional Affairs was instituted to oversee the needs and services of the people in the unorganized, rural areas. It has not been discharging these duties satisfactorily for some time. The fact that D.C.R.A. produced the Regional Government Study in an extremely one-sided manner is proof of its disloyalty to rural residents. This also warrants investigation.

Many other arguments in favor of the Alaskan rural people and their lifestyle could be presented during the course of comparing all of the reports, letters, and bill revisions that have been introduced. I will settle for the six that I have set forth in this letter as I'm sure other rural Alaskans have submitted these and other points of contention. Interest in being

forced into a new borough or annexed into an existing borough is not as preeminent as urban legislators and borough assembly people would have every one believe.

I reiterate my request for your support of SCR 36 or HCR 33 as the proposed movement to total government must be studied to a maximum before any drastic measures are taken.

Sincerely yours,

Armeda A. Bulard

Armeda A. Bulard
P. O. Box 87
Cantwell, AK 99729

5
(11)

HOUSE COMMITTEE REPORT

⑦ HCR 33

Date referred: 1/20/88

FURTHER REFERRALS:

DATE: FEB -3 1988

The Community & Regional Affairs Committee has considered HCR 33

Relating to annexations recommended by the Local Boundary Commission.

RECOMMENDS:

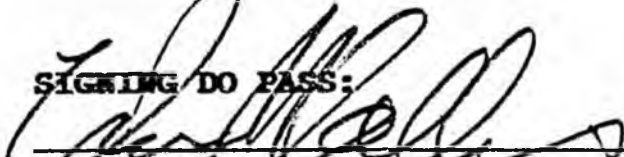
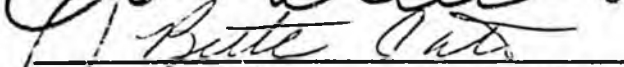
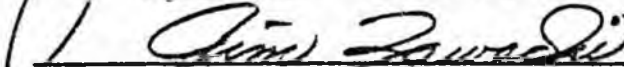
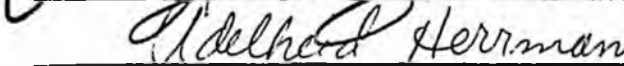
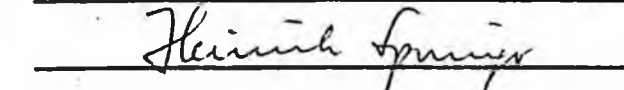
- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis


SIGNING DO PASS:

 _____
 _____
 _____
 _____
 _____

Collins
 Cuto
 Zawacki
 Herrmann
 Springer

SIGNING OTHER RECOMMENDATIONS:

Springer


Chairman's signature

PUBLIC OPINION MESSAGE

(VI) HCR 33
Jr Ce

JAN 28 1988

DEAR: REPRESENTATIVE SPRINGER

NAME: JACK COGHILL
TITLE:
ADDRESS: DRAWER I
CITY: COPPER CENTER ZIP: 99573
PHONE: N/R-
BILL NO: SCR 36
SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
MESSAGE: I SUPPORT SCR 36 AND HCR 33. THIS WILL GIVE OUR COMMUNITY TIME TO
EVALUATE THE BETTER ROUTE IN FORMING OUR LOCAL RULE.

POMID: 01150916
DATE: 01/27/88
TIME: 15:09:16
LIONAME: GLENNALLEN LIO

COPIES: REPRESENTATIVES SENATORS

SHULTZ	COGHILL
CATO	HALFORD
COLLINS	KELLY
HERRMANN	STURGULEWSKI
ZAWACKI	SZYMANSKI
	ZHAROFF

PUBLIC OPINION MESSAGE

Spw / CRA

DEAR: REPRESENTATIVE SPRINGER

NAME: WILLIAN L. ELMORE
TITLE: MAYOR
ADDRESS: CITY OF EAGLE
CITY: EAGLE ZIP: 99738
PHONE: 547-2265
BILL NO: HCR 33
SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
MESSAGE: I, AS MAYOR OF EAGLE, AS DO THE OTHER MEMBERS OF THE COMMON COUNCIL OF EAGLE, OPPOSE IN ITS ENTIRETY, THE ANNEXATION OF EAGLE INTO THE ORGANIZED BOROUGH. WE SUPPORT HCR 33 IN THE INTERIM UNTIL TOTAL DEFEAT OF H81.

cc: Shultz
Cato
Collins
Herrmann
Zawacki

POMID: 02121839
DATE: 01/28/88
TIME: 12:18:39
LIONAME: DELTA JUNCTION LIO

COPIES: REPRESENTATIVES

SHULTZ
CATO
COLLINS
HERRMANN
ZAWACKI

PUBLIC OPINION MESSAGE

JAN 28 1988

DEAR: REPRESENTATIVE SPRINGER

NAME: JACK GODDARD
TITLE:
ADDRESS: DRAWER I
CITY: COPPER CENTER ZIF. 99573
PHONE: N/R-
BILL NO: SCR 36
SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
MESSAGE: I SUPPORT SCR 36 AND HCR 33. THIS WILL GIVE OUR COMMUNITY TIME TO
EVALUATE THE BETTER ROUTE IN FORMING OUR LOCAL RULE.

POMID: 01153005
DATE: 01/27/88
TIME: 15:30:05
LIONAME: GLENNALLEN LIO

COPIES: REPRESENTATIVES SENATORS

SHULTZ
CATO
COLLINS
HERRMANN
ZAWACKI

COGHILL
HALFORD
KELLY
STURGULEWSKI
SZYMANSKI
ZHAROFF

File Contents

HCR 33 - Local Boundary Commission Annexations
(SCR 36)

<u>No.</u>	<u>Description</u>
1.	Bill - HCR 33
2.	Bill Review - CRA Staff
III.	POMs (8)
4.	Letter to Springer from Malcolm (supports HCR 33)
5.	Zero Fiscal Note - DCRA
6.	POMs (3)

Bill Review

HCR 33 - "Relating to annexations recommended by the Local Boundary Commission."

Sponsor: Shultz

Review:

Requests of the Local Boundary Commission "to take into full consideration the desire of the residents of an area in the unorganized borough to be self-governing and give them reasonable time to study the concept of self-government; ...to postpone for a minimum of 18 months borough annexation procedures for an area where the formation of an organized borough is being studied."

The 18 month period mentioned seems to be a long period of time; however, if 2nd SSHB 1 is passed it may seem that the legislature would be sending cross-signals on governance issues. It may be that deleting "for a minimum of 18 months" on line 28 would be less of a cross signal on this issue of governance.

There are concerns of residents that have heard that some organized boroughs may want to annex some parts of the unorganized borough that relate to the oil pipeline in the area considered for annexation.

Some public meetings have been held in the oil pipeline unorganized areas.

PUBLIC OPINION MESSAGE

(I) HCR 33
JAN 26 1988
S

DEAR: REPRESENTATIVE SPRINGER

NAME: RON ROBINSON
TITLE:
ADDRESS: SR BOX 410
CITY: GAKONA ZIP: 99586
PHONE: N/R-
BILL NO: SCR 36
SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
MESSAGE: I DEFINITLY DO SUPPORT SCR 36 BECAUSE THE COMMUNITY NEEDS MORE TIME TO MAKE THIS DECISION.

POMID: 01085043
DATE: 01/26/88
TIME: 08:50:43
LIONAME: GLENN LLEN LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	STURGULEWSKI
ZAWACKI	SZYMANSKI
	ZHAROFF

NO RESPONSE REQUIRED

PUBLIC OPINION MESSAGE

Sp

JAN 26 1988

DEAR: REPRESENTATIVE SPRINGER

NAME: BOB NIEBRUGGE
TITLE: COPPER BASIN BOROUGH INFO.
ADDRESS: BOX 365
CITY: GLENNALLEN, AK ZIP: 99855
PHONE: N/R-

BILL NO: SCR 36
SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
MESSAGE: WE FULLY ENDORSE SCR 36. WITHOUT THIS SUPORT FROM THE SENATE, WE FEAR
OUR OWN EFFORT TO ORGANIZE COPPER RIVER REAA 17 WILL BE SERIOUSLY DILUTED. A
VOLUNTEER COMMITTEE CAN NOT SIMULTANEOUSLY RESIST ANNEXATION AND EFFECTIVELY
PERSUE SEIF GOVERNMENT. PASSAGE OF SCR 36 IS ESSENTIAL TO OUR BOROUGH
FORMATION EFFORTS.

POMID: 01101045
DATE: 01/26/88
TIME: 10:10:45
LIONAME: GLENNALLEN LIO

COPIES: REPRESENTATIVES SENATORS

CATO	COGHILL
COLLINS	HALFORD
HERRMANN	KELLY
ZAWACKI	STURGULEWSKI
	SZYMANSKI
	ZHAROFF

NO RESPONSE REQUIRED

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE SPRINGER

JAN 26 1988

NAME: EVERRETT KIMBALL
TITLE:
ADDRESS: P.O. BOX 895
CITY: SLANA ZIP: 99586
PHONE: N/R-
BILL NO: HCR 33
SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
MESSAGE: I SUPPORT HCR 33 AND SCR 36.

POMID: 01132959
DATE: 01/25/88
TIME: 13:29:59
LIONAME: GLENNALLEN LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	STURGULEWSKI
ZAWACKI	SZYMANSKI
	ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE SPRINGER

fy
JAN 26 1988

NAME: ELLEN LOCKYEAR
TITLE: COPPER VALLEY VIEWS
ADDRESS: HC 60 SR 229
CITY: COPPER CENTER ZIP: 99573
PHONE: N/R-
BILL NO: SCR 36
SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
MESSAGE: I AM IN FAVOR OF SCR 36 AND HCR 33.

POMID: 01133459
DATE: 01/25/88
TIME: 13:34:59
LIONAME: GLENNALLEN LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	STURGULEWSKI
ZAWACKI	SZYMANSKI
	ZHAROFF

NO RESPONSE REQUIRED

PUBLIC OPINION MESSAGE

SW

JAN 26 1988

DEAR: REPRESENTATIVE SPRINGER

NAME: ALICE MOONEY
TITLE:
ADDRESS: P.O. BOX 907
CITY: SLANA ZIP: 99586
PHONE: N/R-
BILL NO: HCR 33
SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
MESSAGE: I SUPPORT HCR 33 AND SCR 36.

POMID: 01144309
DATE: 01/25/88
TIME: 14:43:09
LIONAME: GLENNALLEN LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	STURGULEWSKI
ZAWACKI	SZYMANSKI
	ZHAROFF

NO RESPONSE REQUIRED

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE SPRINGER

JAN 26 1988 *FW*

NAME: MARTHA KIMBALL
TITLE:
ADDRESS: P.O. BOX 895
CITY: SLANA ZIP: 99586
PHONE: N/R-
BILL NO: HCR 33
SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
MESSAGE: I SUPPORT HCR 33 AND SCR 30.

POMID: 01133321
DATE: 01/25/88
TIME: 13:33:21
LIONAME: GLENNALLEN LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	STURGULEWSKI
ZAWACKI	SZYMANSKI
	ZHAROFF

PUBLIC OPINION MESSAGE

5

DEAR: REPRESENTATIVE SPRINGER

JAN 26 1988

NAME: NANCY ALEX
TITLE:
ADDRESS: SRA 1085
CITY: SLANA ZIP: 99586
PHONE: N/R-
BILL NO: SCR 36
SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
MESSAGE: I SUPPORT HCR 33 AND SCR 36.

POMID: 01133756
DATE: 01/25/88
TIME: 13:37:56
LIONAME: GLENNALLEN LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	STURGULEWSKI
ZAWACKI	SZYMA NSKI
	ZHAROFF

NO RESPONSE REQUIRED

PUBLIC OPINION MESSAGE

9

JAN 27 1988

DEAR: REPRESENTATIVE SPRINGER

NAME: THELMA SCHRANK
TITLE:
ADDRESS: SR BOX 380
CITY: SLAHA ZIP: 99586
PHONE: N/R-
BILL NO: SCR 36
SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
MESSAGE: I AM IN FAVOR OF HCR 33 AND SCR 36 DEFERRING ACTION FOR 18 MONTHS.

POHID: 01140344
DATE: 01/26/88
TIME: 14:03:44
LIONAME: GLENNALLEN LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	STURGULEWSKI
ZAWACKI	SZYMANSKI
	ZHAROFF

NO RESPONSE REQUIRED

PUBLIC OPINION MESSAGE

2
JW

DEAR: REPRESENTATIVE SPRINGER

JAN 27 1988

NAME: NANCI RUTHSCHILD-KENNEDY

TITLE:

ADDRESS: 5078 JACK WARREN ROAD

CITY: DELTA JCT.

ZIP: 99737

PHONE: 895-4408

BILL NO: HCR 33

SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS

MESSAGE: I AM IN FAVOR OF PASSING THIS RESOLUTION.

POMID: 02115730

DATE: 01/26/88

TIME: 11:57:30

LIONAME: DELTA JUNCTION LIO

COPIES: REPRESENTATIVES

CATO

COLLINS

HERRMANN

ZAWACKI

④ HCR 33

FN
CRA

FEB 1 - 1988

January 29, 1988

Rep. Henry Springer
Committee on Community & Reg. Affairs
Alaska State Legislature
PO Box V
Juneau, Alaska 99811

Dear Mr. Springer:

Representative Dick Schultz and Senator Jack Coghill recently introduced HCR 33 and SCR 36 relating to annexations recommended by the Local Boundary Commission.

My family and I live in Delta Junction and therefore are directly affected by the decisions made concerning these resolutions.

I strongly urge you to use whatever influence you may have to help our legislative representatives to get this resolution passed.

We, the residents of Delta Greely REAA wish to explore the possible avenues of self government most able to fit our needs. In order to do this we need the time this resolution will grant us without having to worry about the threat of being taken over or having the bulk of our projected tax base taken away from us.

We will be sincerely grateful for any way you see fit to aid Mr. Schultz and Mr. Coghill in accomplishing this.

Respectfully;



Mary B. Malcolm
PO Box 256
Delta Junction, Ak 99737

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HCR 33
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Relating to annexations recommended
by the Local Boundary Commission
Sponsor: Schultz
Requestor: _____

Agency Affected: Community & Regional Affairs
BRU: Local Government Assistance
Components: Local Boundary Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jim Plasman, Deputy Director Phone: 465-4750
Division: Municipal & Regional Assistance Date: 2/3/88
Approved by Commissioner: [Signature] Date: 2/2/88
Agency: Community & Regional Affairs

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

PUBLIC OPINION MESSAGE

JAN 28 1988

DEAR: REPRESENTATIVE SPRINGER

NAME: JACK GODDARD
 TITLE:
 ADDRESS: DRAWER I
 CITY: COPPER CENTER ZIP: 99573
 PHONE: N/R-
 BILL NO: SCR 36
 SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
 MESSAGE: I SUPPORT SCR 36 AND HCR 33. THIS WILL GIVE OUR COMMUNITY TIME TO
 EVALUATE THE BETTER ROUTE IN FORMING OUR LOCAL RULE.

POHID: 01153005
 DATE: 01/27/88
 TIME: 15:30:05
 LIONAME: GLENNALLEN LIO

COPIES: REPRESENTATIVES SENATORS

SHULTZ	COGHILL
CATO	HALFORD
COLLINS	KELLY
HERRMANN	STURGULEWSKI
ZAWACKI	SZYMANSKI
	ZHAROFF

PUBLIC OPINION MESSAGE

(VI) HCR 33
 JAN 28 1988

DEAR: REPRESENTATIVE SPRINGER

NAME: JACK COGHILL
 TITLE:
 ADDRESS: DRAWER I
 CITY: COPPER CENTER ZIP: 99573
 PHONE: N/R-
 BILL NO: SCR 36
 SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
 MESSAGE: I SUPPORT SCR 36 AND HCR 33. THIS WILL GIVE OUR COMMUNITY TIME TO
 EVALUATE THE BETTER ROUTE IN FORMING OUR LOCAL RULE.

POHID: 01150916
 DATE: 01/27/88
 TIME: 15:09:16
 LIONAME: GLENNALLEN LIO

COPIES: REPRESENTATIVES SENATORS

SHULTZ	COGHILL
CATO	HALFORD
COLLINS	KELLY
HERRMANN	STURGULEWSKI
ZAWACKI	SZYMANSKI
	ZHAROFF

PUBLIC OPINION MESSAGE

fw / CRA

DEAR: REPRESENTATIVE SPRINGER

NAME: WILLIAM L. ELMORE
 TITLE: MAYOR
 ADDRESS: CITY OF EAGLE
 CITY: EAGLE ZIP: 99738
 PHONE: 547-2265
 BILL NO: HCR 33
 SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS
 MESSAGE: I, AS MAYOR OF EAGLE, AS DO THE OTHER MEMBERS OF THE COMMON COUNCIL
 OF EAGLE, OPPOSE IN ITS ENTIRETY, THE ANNEXATION OF EAGLE INTO THE ORGANIZED
 BOROUGH. WE SUPPORT HCR 33 IN THE INTERIM UNTIL TOTAL DEFEAT OF HB1.

POHID: 02121839
 DATE: 01/28/88
 TIME: 12:18:39
 LIONAME: DELTA JUNCTION LIO

cc: Shultz
 Cato
 Collins
 Herrmann
 Zawacki

COPIES: REPRESENTATIVES

HCR

50

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House C+RA

2-26-88

3:00 p.m.

2/17
D

now
R

F

2/18
P

2/18
N

BILL PREPARATION/ACTION*

Bill # HCR 50 Date Referred: 2/15/88 Out:
Title: Geographic Board; Dunn Island
Sponsor: Taylor Referrals: cka

CONTACTS:*****

Name		
<u>DCRA Planners</u>	<u>FN</u>	<u>PP 2/18</u>
<u>...</u>		
<u>Taylor</u>	<u>a/a</u>	<u>2/20</u>

REMARKS:*****

MEETINGS:*****

Date	Action
<u>* 2/26/88</u>	<u>1st pub. hng. passed out 3ND - Technical amendment</u>

1 IN THE HOUSE

BY TAYLOR

2

HOUSE CONCURRENT RESOLUTION NO. 50

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

Requesting the State Geographic Board to

6

name an island near Wrangell as "Dunn's

7

Island."

8

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9

WHEREAS an unnamed island near Wrangell is locally called Dunn's

10

Island; and

11

WHEREAS Mac^K and Matty Dunn were the only people that lived on the

12

island; and

13

WHEREAS Mac^K and Matty Dunn were both very well respected within the

14

Wrangell community; and

15

WHEREAS Mac^K and Matty Dunn exemplified the true Alaskan pioneer spirit

16

in their lifestyle; and

17

WHEREAS Mac^K and Matty Dunn spent almost all of their 36 years in the

18

state on the island until their deaths; and

19

WHEREAS Dunn's Island was a favorite trapping place of Mac^K Dunn during

20

his lifetime; and

21

WHEREAS Mac^K died of a heart attack while trapping on the island; and

22

WHEREAS it is appropriate that a geographic feature within the

23

Wrangell area be named in their honor as permanent testimony to their

24

memory;

25

BE IT RESOLVED by the Alaska State Legislature that the State Geo-

26

graphic Board is requested to name the island located between Wrangell

27

Island and Etolin Island as Dunn's Island.

28

A COPY of this resolution shall be sent to the State Geographic Board.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HCR 50
PUBLISH DATE: _____

1.1 HCR 50

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: DCRA
Title: Requesting the State Geo. Bd. BRU: _____
name an island ... Dunn's Island
Sponsor: Rep. Taylor Components: _____
Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jean Pleasman Phone: 465-4750
Division: Municipal & Regional Assistance Date: 2/26/88
Approved by Commissioner: Carol Carroll Acting Date: 2/26/88
Agency: Community & Regional Affairs

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Island may be named for Dunns

Alaska pioneers Mack and Mattie Dunn may soon have an island named after them if a recent proposal is passed by the state Legislature.

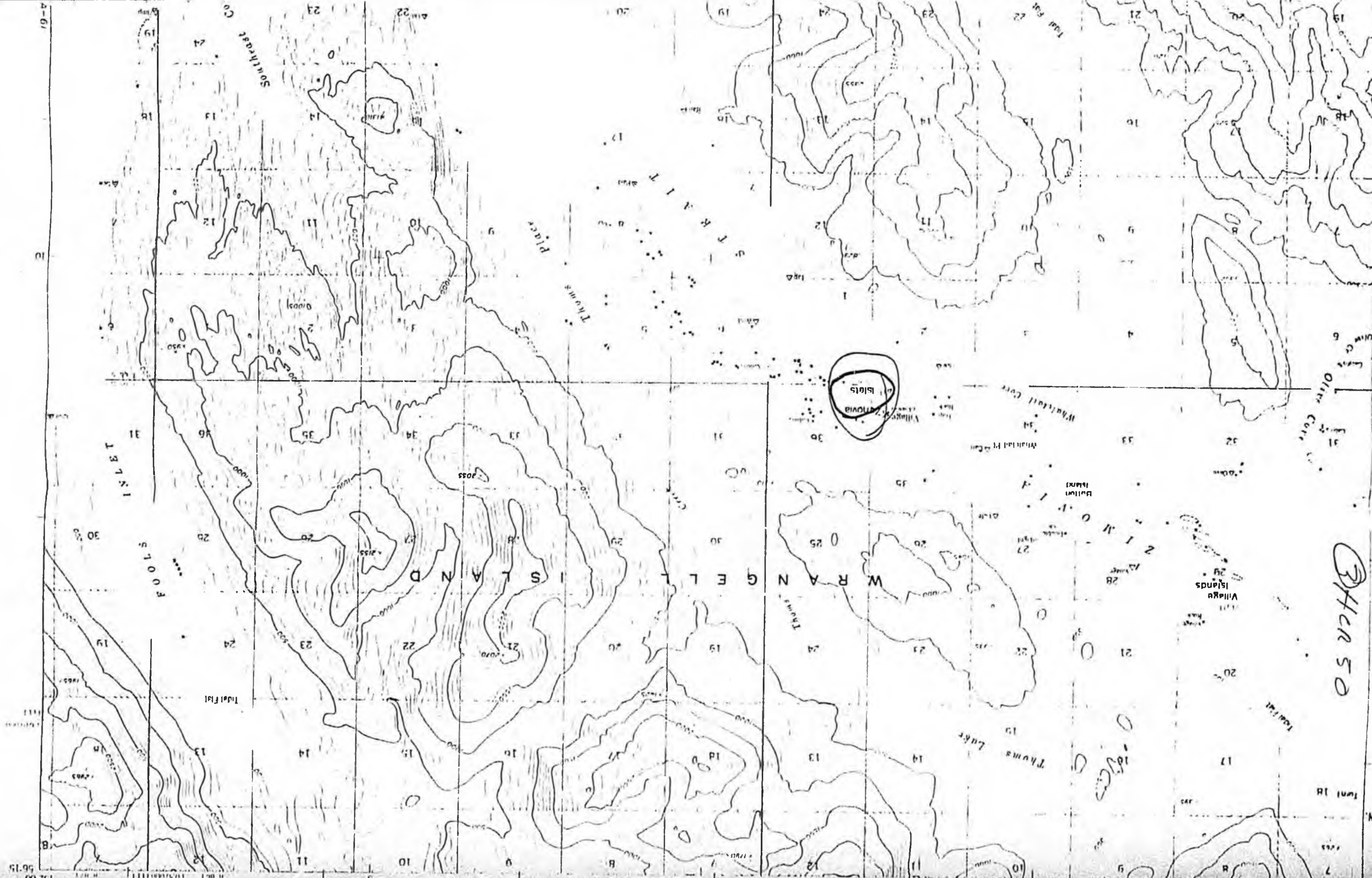
For almost 40 years, the couple lived near a small island 20 miles south of Wrangell in Zimovia Strait. Known locally as "Dunn's Island," a piece of legislation introduced this week by Rep. Robin Taylor, R-Wrangell,

seeks to make that name official.

Originally from Anacortes, Wash., the Dunns sailed to Alaska in 1938 on their 30-foot fishing vessel. They lived off the land, building a small cabin on Dunn's Island to store their furs and home-grown produce.

Mr. Dunn died in 1976. His wife died in October 1987.

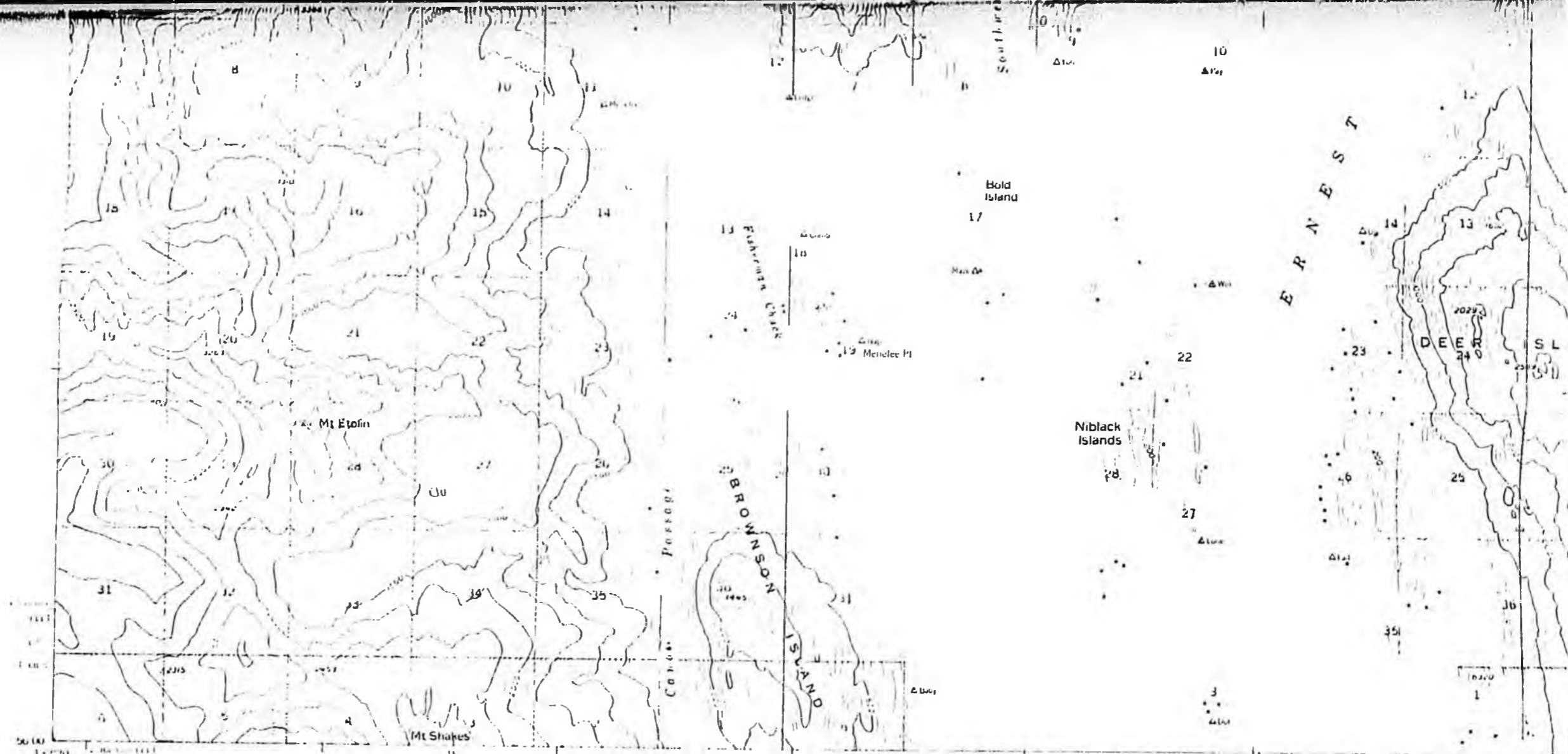
2-18-88 Wrangell Centennial



3
50

4-61

1:25000
5615



CRAIG D-1

Mapped, edited, and published by the Geological Survey
Control by USGS and USCGS

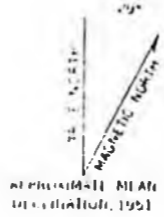
Topography by photogrammetric methods from aerial photographs
taken 1948. Field annotated 1951. Map not held checked.

Selected hydrographic data compiled from USCGS Chart
11000, 11001, and 11002, 1948 to 1951. This information is not intended for navigational purposes.

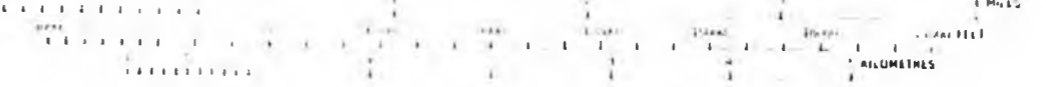
Universal Transverse Mercator projection, 1927 North American datum
10 000 foot grid for Alaska coordinates. Zone 1. 1
1000 metre Universal Transverse Mercator grid for
zone 1 shown in blue.

Land lines represent unimproved and unmarked locations
from compilation by the State of Alaska, Division of Land,
Copper River Meridian.

Entire land area is within the Tongass National Forest.



at Petersburg, Alaska
1951



CONTOUR INTERVAL 100 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929
ELEVATIONS IN FEET AND METERS
VERTICAL DATUM OF 1929
ELEVATIONS IN FEET AND METERS

FOR SALE BY U.S. GEOLOGICAL SURVEY
FAIRBANKS, ALASKA 99701 DENVER, COLORADO 80225 OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



PETERSBURG (A-1)
1:50,000

1951
M.S. & G.S. 100-1000

File Contents

HCR 50 - Geographic Board; Dunn Island

<u>No.</u>	<u>Description</u>
1.	Bill - HCR 50
2.	Article - Wrangell Sentinel
3.	Map - location of island

HOUSE COMMITTEE REPORT

(5)

HCR 50

Date referred: 2/15/88

FURTHER REFERRALS:

DATE: FEB 26 1988

The Community and Regional Affairs Committee has considered HCR 50

Requesting the State Geographic Board to name an island near Wrangell as "Dunn's Island."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

Technical amendment correct spelling of "Mack"

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Bette Collins
Lynne Collins
Heinrich Springer

Collins
Springer

Springer Heinrich Springer
Chairman's signature

Alaska State Legislature

COMMITTEES:

MEMBER

JUDICIARY

FINANCE SUB-COMMITTEE
OF: EDUCATION

JOINT COMMITTEE ON
ETHICS
AND
WESTERN STATES LEGISLATIVE
FORESTRY TASK FORCE



House of Representatives


ROBIN L. TAYLOR

P. O. BOX 1441
WRANGELL, ALASKA 99929
(907) 874-2316

While in Juneau
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4905

MEMORANDUM

TO: Representative Henry Springer

FROM: Representative Robin L. Taylor 

DATE: February 26, 1988

RE: HCR 50; Geographic Board; Dunn Island

I would like to correct a typing error in Mack Dunn's name. In the draft his name was spelled Mac and the correct spelling is Mack.

I apologize for any inconvenience in this matter.

HJR

21

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

Joint S-H C+RA (Senate version)	3-3-87	3:45 p.m.
Joint H-S C+RA (House version)	3-3-87	3:30 p.m.

HOUSE COMMITTEE REPORT

(7)

Date referred: 2/25/87

FURTHER REFERRALS:

DATE: 03/03/87

The Community and Regional Affairs Committee has considered HJR 21

Disapproving the Local Boundary Commission recommendation for annexation of territory to the City of Dillingham.

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Zawacki

Springer

Cato

Springer

Heinrich Springer
Chairman's signature

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: HJR #21
Publish Date: _____

Revision Date: _____
Title: Disapproving LBC recommendation
for annexation of Dillingham

Agency Affected: Community & Regional Affairs
BRU: Local Government Assistance

Sponsor: _____
Requestor: House C&RA

Components: Local Boundary Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Doug Griffin, Deputy Director
Division: Municipal & Regional Assistance

Phone: 465-4750
Date: 2/24/87

Approved by Commissioner: David C. Holliman
Agency: Community & Regional Affairs

Date: 2-25-87

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

5-0706A
Cook
2/23/87

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2

HOUSE JOINT RESOLUTION NO. 21

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

Disapproving the Local Boundary Commis-

6

sion recommendation for annexation of

7

territory to the City of Dillingham.

8

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9

WHEREAS, under art. X, sec. 12, Constitution of the State of Alaska,

10

the Local Boundary Commission has presented to the legislature its rec-

11

ommendation dated January 28, 1987, entitled "Recommendation for the

12

Annexation of Territory to the City of Dillingham"; and

13

WHEREAS a recommendation of the Local Boundary Commission presented to

14

the legislature becomes effective 45 days after presentation or at the end

15

of the session, whichever is earlier, unless disapproved by a resolution

16

concurrent in by the majority of the members of each house;

17

BE IT RESOLVED by the Alaska State Legislature that the recommendation

18

of the Local Boundary Commission dated January 28, 1987, and entitled

19

"Recommendation for the Annexation of Territory to the City of Dillingham"

20

is disapproved.

21

22

23

24

25

26

27

28

29

HJR

61

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House C+RA 3-25-88 3:00p.m.

HOUSE COMMITTEE REPORT

(5)

Date referred: 2/15/88

FURTHER REFERRALS:

Resources

DATE: MAR 25 1988

The Community and Regional Affairs Committee has considered HJR 61

Relating to garbage dumping in the ocean.

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Heinrich Springer Springer _____
Adelheid Herrmann Herrmann _____
Edward Collins Collins _____

SIGNING OTHER RECOMMENDATIONS:

Springer _____
Heinrich Springer
 Chairman's signature

File Contents

HJR 61 - Garbage Dumping in the Ocean

<u>No.</u>	<u>Description</u>
1.	Bill - HJR 61
1.1	Fiscal Note - DCRA (coming)
2.	Federal Pollution Laws
3.	Bill Review - Harrison

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HJR 61
PUBLISH DATE: _____

1.1 HJR 61

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Relating to garbage dumping in the ocean
Sponsor: Herrmann, Sund, Ellis & Davidson
Requestor: _____

Agency Affected: Community & Regional Affairs
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Jim Plasman
Prepared by: Jim Plasman, Deputy Director Phone: 465-4750
Division: Municipal & Regional Assistance Date: 3/24/88

Approved by Commissioner: *[Signature]* Date: 3/25/88
Agency: Community & Regional Affairs

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CHAPTER 33—PREVENTION OF POLLUTION FROM SHIPS

Sec.

1901. Definitions.
1902. Ships subject to preventive measures.
- Included vessels.
 - Excluded vessels.
 - Regulations.
 - Noncommercial shipping standards.
1903. Administration and enforcement.
- Duty of Secretary; Annexes of Protocol applicable to seagoing vessels.
 - Regulations.
 - Utilization of personnel, facilities, or equipment of other Federal departments and agencies.
1904. Certificates.
- Issuance by authorized designees; restriction on issuance.
 - Validity of foreign certificates.
 - Location onboard vessel; inspection of vessels subject to jurisdiction of United States.
 - Onboard inspections; other Federal inspection authority unaffected.
 - Detention orders; duration of detention; shipyard option.
 - Ship clearance or permits; refusal or revocation.
 - Review of detention orders; petition; determination by Secretary.
 - Compensation for loss or damage.
1905. Pollution reception facilities.
- Adequacy; criteria.
 - Traffic considerations.
 - Certificate; issuance; validity; inspection; review of suspension or revocation by Secretary.
 - Publication in Federal Register; list of certificated ports or terminals.
 - Entry; denial.
 - Surveys.
1906. Incidents involving ships.
- Reports to Secretary.
 - Action by Secretary.
1907. Violations.
- General prohibition; cooperation and enforcement; detection and monitoring measures; reports; evidence.
 - Investigations; subpoenas: issuance by Secretary, enforcement; action by Secretary; information to party.
 - Ship inspections; reports to Secretary; additional action for other than domestic ships.
 - Supplemental remedies and requirements; other provisions and available remedies unaffected.

Sec.

1908. Penalties for violations.
- Criminal penalties.
 - Civil penalties; separate violations; assessment notice; considerations affecting amount.
 - Abatement of civil penalties; collection by Attorney General.
 - Liability in rem; district court jurisdiction.
 - Ship clearance or permits; refusal or revocation; bond or other surety.
 - Referrals for appropriate action by foreign country.
1909. MARPOL Protocol; proposed amendments.
- Acceptance of certain amendments by President.
 - Action on certain amendments by Secretary of State.
 - Declaration of nonacceptance by Secretary of State.
1910. Legal actions.
- Persons with adversely affected interests as plaintiffs; defendants.
 - Commencement conditions.
 - Venue.
 - Costs; attorney fees; witness fees.
 - Federal intervention.
1911. Authority of Secretary under port and tanker safety program unaffected.

§ 1901. Definitions

Unless the context indicates otherwise, as used in this chapter—

- "MARPOL Protocol" means the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London on February 17, 1978. This Protocol incorporates and modifies the International Convention for the Prevention of Pollution from Ships, 1973, done at London on November 2, 1973;
- "Convention" means the International Convention for the Prevention of Pollution from Ships, 1973, including Protocols I and II and Annexes I and II attached thereto;
- "discharge" and "harmful substance" and "incident" shall have the meanings provided in the Convention;
- "owner" means any person holding title to, or in the absence of title, any other indicia of ownership of, a ship or terminal, but does not include a person who, without participating in the management or operation of a ship or terminal, holds indicia of ownership primarily to protect a security interest in the ship or terminal;
- "operator" means—
 - in the case of a ship, a charterer by demise or any other person, except the owner, who is responsible for the operation, manning, victualing, and supplying of the vessel, or

(b) in the case of a terminal, any person, except the owner, responsible for the operation of the terminal by agreement with the owner;

(6) "person" means an individual, firm, public or private corporation, partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body;

(7) "Secretary" means the Secretary of the department in which the Coast Guard is operating;

(8) "ship" means a vessel of any type whatsoever, including hydrofoils, air-cushion vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating platforms; and

(9) "terminal" means an onshore facility or an offshore structure located in the navigable waters of the United States or subject to the jurisdiction of the United States and used, or intended to be used, as a port or facility for the transfer or other handling of a harmful substance.

(Pub.L. 96-478, § 2, Oct. 21, 1980, 94 Stat. 2297.)

Historical Note

References in Text. This chapter, referred to in text, was in the original "this Act", meaning Pub.L. 96-478, Oct. 21, 1980, 94 Stat. 2297, known as the "Act to Prevent Pollution from Ships". For complete classification of this Act to the Code, see Short Title note below and Tables volume.

Effective Date. Section 14(a) and (b) of Pub.L. 96-478 provided:

"(a) Except as provided in subsection (b) of this section, this Act [see Short Title note below] is effective upon the date of enactment [Oct. 21, 1980], or on the date the MARPOL Protocol becomes effective as to the United States whichever is later. [The MARPOL Protocol became effective as to the United States Oct. 2, 1983.]

"(b) The Secretary and the heads of Federal departments shall have the authority to issue regulations, standards, and certifications under sections 3(c), 3(d), 4(b), 5(a), 6(a), 6(c) and 6(f) [sections 1902(c), (d), 1903(b), 1904(a), and 1905(a), (c), (f) of this title] effective on the date of enactment of this Act [Oct. 21, 1980]. Section 13(a)(2) [amending section 391a(3)(E) of Title 46, Shipping] is

effective upon the date of enactment of this Act [Oct. 21, 1980]."

Short Title. Section 1 of Pub.L. 96-478 provided: "That this Act [enacting this chapter, amending section 1321 of this title and section 742c(c) of Title 16, Conservation, and section 391a of Title 46, Shipping, repealing sections 1001 to 1011 and 1013 to 1016 of this title, and enacting provisions set out as notes under section 1001 of this title, and section 742c of Title 16] may be cited as the 'Act to Prevent Pollution from Ships'."

Savings Provision; Regulations in Effect Until Superseded. Section 14(c) of Pub.L. 96-478 provided that: "Any rights or liabilities existing on the effective date of this Act [see Effective Date note above] shall not be affected by this enactment [see Short Title note above]. Any regulations or procedures promulgated or effected pursuant to the Oil Pollution Act, 1961, as amended [former section 1001 et seq. of this title], remain in effect until modified or superseded by regulations promulgated under the authority of the MARPOL Protocol or this Act."

Legislative History. For legislative history and purpose of Pub.L. 96-478, see 1980 U.S. Code Cong. and Adm. News, p. 4849.

Library References

Health and Environment ⇨ 25.7(3).
C.J.S. Health and Environment § 106.

§ 1902. Ships subject to preventive measures

(a) Included vessels

This chapter applies to—

(1) a ship of United States registry or nationality, or one operated under the authority of the United States, wherever located;

(2) a ship registered in or of the nationality of a country party to the MARPOL Protocol, or one operated under the authority of a country party to the MARPOL Protocol, while in the navigable waters of the United States; and

(3) a ship registered in or of the nationality of a country not a party to the MARPOL Protocol, under subsection (c) of this section, while in the navigable waters of the United States.

(b) Excluded vessels

This chapter does not apply to—

(1) a warship, naval auxiliary, or other ship owned or operated by the United States when engaged in noncommercial service; or

(2) any other ship specifically excluded by the MARPOL Protocol.

(c) Regulations

The Secretary shall prescribe regulations applicable to the ships of a country not a party to the MARPOL Protocol to ensure that their treatment is not more favorable than that accorded ships of parties to the MARPOL Protocol.

(d) Noncommercial shipping standards

The heads of Federal departments and agencies shall prescribe standards applicable to ships excluded from this chapter by subsection (b)(1) of this section and for which they are responsible. Standards prescribed under this subsection shall ensure, so far as is reasonable and practicable without impairing the operations or operational capabilities of such ships, that such ships act in a manner consistent with the MARPOL Protocol.

(Pub.L. 96-478, § 3, Oct. 21, 1980, 94 Stat. 2297.)

Historical Note

References in Text. This chapter, referred to in subssecs. (a), (b), and (d) was in the original "this Act", meaning Pub.L. 96-478, Oct. 21, 1980, 94 Stat. 2297, known as the "Act to Prevent Pollution from Ships". For complete classification of this Act to the Code, see Short Title note below and Tables volume.

Effective Date. Subssecs. (a) and (b) effective Oct. 2, 1983, and subssecs. (c) and (d) effective Oct. 21, 1980, see section 14(a) and (b) of Pub.L. 96-478, set out as a note under section 1901 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-478, see 1980 U.S. Code Cong. and Adm. News, p. 4849.

Code of Federal Regulations

Oil pollution regulations, see 33 CFR 151.01 et seq., 155.100 et seq.

§ 1903. Administration and enforcement

(a) Duty of Secretary; Annexes of Protocol applicable to seagoing vessels

Unless otherwise specified herein, the Secretary shall administer and enforce the MARPOL Protocol and this chapter. In the administration and enforcement of the MARPOL Protocol and this chapter, Annexes I and II of the MARPOL Protocol shall be applicable only to seagoing ships.

(b) Regulations

The Secretary shall prescribe any necessary or desired regulations to carry out the provisions of the MARPOL Protocol or this chapter.

(c) Utilization of personnel, facilities, or equipment of other Federal departments and agencies

The Secretary may utilize by agreement, with or without reimbursement, personnel, facilities, or equipment of other Federal departments and agencies in administering the MARPOL Protocol, this chapter, or the regulations thereunder.

(Pub.L. 96-478, § 4, Oct. 21, 1980, 94 Stat. 2298.)

Historical Note

References in Text. This chapter, referred to in text, was in the original "this Act", meaning Pub.L. 96-478, Oct. 21, 1980, 94 Stat. 2297, known as the "Act to Prevent Pollution from Ships". For complete classification of this Act to the Code, see Short Title note below and Tables volume.

Effective Date. Subsecs. (a) and (c) effective Oct. 2 1983, and subsec. (b) effective Oct.

21, 1980, see section 14(a) and (b) of Pub.L. 96-478, set out under section 1901 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-478, see 1980 U.S. Code Cong. and Adm. News, p. 4849.

Code of Federal Regulations

Oil pollution regulations, see 33 CFR 151.01 et seq., 155.100 et seq.

Rules for protection of marine environment relating to tank vessels carrying oil in bulk, see 33 CFR 157.01 et seq.

Library References

Health and Environment §25.7(17).

C.J.S. Health and Environment §§ 113, 150 to 153.

§ 1904. Certificates

(a) Issuance by authorized designees; restriction on issuance

The Secretary shall designate those persons authorized to issue on behalf of the United States the certificates required by the MARPOL Protocol. A certificate required by the MARPOL Protocol shall not be issued to a ship which is registered in or of the nationality of a country which is not a party to the MARPOL Protocol.

(b) Validity of foreign certificates

A certificate issued by a country which is a party to the MARPOL Protocol has the same validity as a certificate issued by the Secretary under the authority of the MARPOL Protocol.

(c) Location onboard vessel; inspection of vessels subject to jurisdiction of United States

A ship required by the MARPOL Protocol to have a certificate—

(1) shall carry a valid certificate onboard in the manner prescribed by the authority issuing the certificate; and

(2) is subject to inspection while in a port or terminal under the jurisdiction of the United States.

(d) Onboard inspections; other Federal inspection authority unaffected

An inspection conducted under subsection (c)(2) of this section is limited to verifying whether or not a valid certificate is onboard, unless clear grounds exist which reasonably indicate that the condition of the ship or its equipment does not substantially agree with the particulars of its certificate. This section shall not limit the authority of any official or employee of the United States under any other treaty, law, or regulation to board and inspect a ship or its equipment.

(e) Detention orders; duration of detention; shipyard option

In addition to the penalties prescribed in section 1908 of this title, a ship required by the MARPOL Protocol to have a certificate—

(1) which does not have a valid certificate onboard; or

(2) whose condition or whose equipment's condition does not substantially agree with the particulars of the certificate onboard;

shall be detained by order of the Secretary at the port or terminal where the violation is discovered until, in the opinion of the Secretary, the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment. The detention order may authorize the ship to proceed to the nearest appropriate available shipyard rather than remaining at the place where the violation was discovered.

(f) Ship clearance or permits; refusal or revocation

If a ship is under a detention order under this section, the Secretary of the Treasury, upon the request of the Secretary, may refuse or revoke—

(1) the clearance required by section 91 of Title 46; or

(2) a permit to proceed under section 313 of Title 46 or section 1443 of Title 19.

(g) Review of detention orders; petition; determination by Secretary

A person whose ship is subject to a detention order under this section may petition the Secretary, in the manner prescribed by regulation, to review the detention order. Upon receipt of a petition under this subsection, the Secretary shall affirm, modify, or withdraw the detention order within the time prescribed by regulation.

(h) Compensation for loss or damage

A ship unreasonably detained or delayed by the Secretary acting under the authority of this chapter is entitled to compensation for any loss or damage suffered thereby.

(Pub.L. 96-478, § 5, Oct. 21, 1980, 94 Stat. 2298.)

Historical Note

References in Text. This chapter, referred to in subsec. (h), was in the original "this Act", meaning Pub.L. 96-478, Oct. 21, 1980, 94 Stat. 2297, known as the "Act to Prevent Pollution from Ships". For complete classification of this Act to the Code, see Short Title note below and Tables volume.

Codification. Section 1443 of Title 19, referred to in subsec. (f)(2), was in the original section 442 of the Tariff Act of 1930, as amended (19 U.S.C. 1443). Although section 442 of the Tariff Act of 1930, June 17, 1930, c. 497, title IV, 46 Stat. 713, is classified to section 1442 of Title 19, Customs Duties, the

reference was translated to reflect the probable intent of Congress as section 1443 of Title 19 which is section 443 of the Tariff Act of 1930.

Effective Date. Subsec. (a) effective Oct. 21, 1980, and subssecs. (b) to (h) effective Oct. 2, 1983, see section 14(a) and (b) of Pub.L. 96-478, set out as a note under section 1901 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-478, see 1980 U.S. Code Cong. and Adm. News, p. 4849.

Library References

Health and Environment § 25.7(13).
C.J.S. Health and Environment §§ 107, 134.

§ 1905. Pollution reception facilities**(a) Adequacy; criteria**

The Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall establish regulations setting criteria for determining the adequacy of reception facilities of a port or terminal and shall establish procedures whereby a person in charge of a port or terminal may request the Secretary to certify that the port's or terminal's facilities for receiving the residues and mixtures containing oil or noxious liquid substance from seagoing ships are adequate.

(b) Traffic considerations

In determining the adequacy of reception facilities required by the MARPOL Protocol at a port or terminal, the Secretary may consider, among other things, the number and types of seagoing ships using the port or terminal, including their principal trades.

(c) Certificate; issuance; validity; inspection; review of suspension or revocation by Secretary

If, upon inspection, reception facilities of a port or terminal are adequate to meet the requirements of the MARPOL Protocol and the regulations established hereunder, the Secretary shall, after consultation with the Administrator of the Environmental Protection Agency, issue a certificate to that effect to the applicant. A certificate issued under this subsection—

(1) is valid until suspended or revoked by the Secretary for cause or because of changed conditions; and

(2) shall be available for inspection upon the request of the master, other person in charge, or agent of a seagoing ship using or intending to use the port or terminal.

The suspension or revocation of a certificate issued under this subsection may be appealed to the Secretary and acted on by him in the manner prescribed by regulation.

(d) Publication in Federal Register; list of certificated ports or terminals

The Secretary shall periodically cause to be published in the Federal Register a list of the ports or terminals holding a valid certificate issued under this section.

(e) Entry; denial

Except in the case of force majeure, the Secretary shall deny entry to a seagoing ship required by the Convention to retain onboard while at sea, residues and mixtures containing oil or noxious liquid substances, if—

(1) the port or terminal is one required by the MARPOL Protocol or regulations hereunder to have adequate reception facilities; and

(2) the port or terminal does not hold a valid certificate issued by the Secretary under this section.

(f) Surveys

The Secretary is authorized to conduct surveys of existing reception facilities in the United States to determine measures needed to comply with the MARPOL Protocol.

(Pub.L. 96-478, § 6, Oct. 21, 1980, 94 Stat. 2299.)

Historical Note

Effective Date. Subsecs. (a), (c), and (f) effective Oct. 21, 1980, and subsec. (b), (d), and (e) effective Oct. 2, 1983, see section 14(a) and (b) of Pub.L. 96-478, set out as a note under section 1901 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-478, see 1980 U.S. Code Cong. and Adm. News, p. 4849.

Library References

Health and Environment § 25.7(21).
C.J.S. Health and Environment §§ 106, 125, 131.

§ 1906. Incidents involving ships**(a) Reports to Secretary**

As soon as he has knowledge of an incident, the master or other person in charge of a ship shall report it to the Secretary in the manner prescribed by Article 8 of the Convention.

(b) Action by Secretary

Upon receipt of the report of an incident involving a ship, other than one of United States registry or nationality or one operated under the authority

of the United States, the Secretary shall take the action required by Article 8 of the Convention.

(Pub.L. 96-478, § 7, Oct. 21, 1980, 94 Stat. 2300.)

Historical Note

Effective Date. Section effective Oct. 2, 1983, see section 14(a) of Pub.L. 96-478, set out as a note under section 1901 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-478, see 1980 U.S. Code Cong. and Adm. News, p. 4849.

§ 1907. Violations

(a) General prohibition; cooperation and enforcement; detection and monitoring measures; reports; evidence

It is unlawful to act in violation of the MARPOL Protocol, this chapter, or the regulations issued thereunder. The Secretary shall cooperate with other parties to the MARPOL Protocol in the detection of violations and in enforcement of the MARPOL Protocol. The Secretary shall use all appropriate and practical measures of detection and environmental monitoring, and shall establish adequate procedures for reporting violations and accumulating evidence.

(b) Investigations; subpoenas; issuance by Secretary, enforcement; action by Secretary; information to party

Upon receipt of evidence that a violation has occurred, the Secretary shall cause the matter to be investigated. In any investigation under this section the Secretary may issue subpoenas to require the attendance of any witness and the production of documents and other evidence. In case of refusal to obey a subpoena issued to any person, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance. Upon completion of the investigation, the Secretary shall take the action required by the MARPOL Protocol and whatever further action he considers appropriate under the circumstances. If the initial evidence was provided by a party to the MARPOL Protocol, the Secretary, acting through the Secretary of State, shall inform that party of the action taken or proposed.

(c) Ship inspections; reports to Secretary; additional action for other than domestic ships

While at a port or terminal subject to the jurisdiction of the United States, a ship to which the MARPOL Protocol applies may be inspected by the Secretary—

(1) to verify whether or not the ship has discharged a harmful substance in violation of the MARPOL Protocol or this chapter; or

(2) to comply with a request from a party to the MARPOL Protocol for an investigation as to whether the ship may have discharged a harmful substance anywhere in violation of the MARPOL Protocol. An investigation may be undertaken under this clause only when the requesting party has furnished sufficient evidence to allow the Secretary reasonably to believe that a discharge has occurred.

If an inspection under this subsection indicates that a violation has occurred, the investigating officer shall forward a report to the Secretary for appropriate action. If a report made under this subsection involves a ship, other than one of United States registry or nationality or one operated under the authority of the United States, the Secretary shall undertake to notify the master of the ship concerned and, acting in coordination with the Secretary of State, shall take any additional action required by Article 6 of the Convention.

(d) Supplemental remedies and requirements; other provisions and available remedies unaffected

Remedies and requirements of this chapter supplement and neither amend nor repeal any other provisions of law, except as expressly provided in this chapter. Nothing in this chapter shall limit, deny, amend, modify, or repeal any other remedy available to the United States or any other person, except as expressly provided in this chapter.

(Pub.L. 96-478, § 8, Oct. 21, 1980, 94 Stat. 2300.)

Historical Note

References in text. This chapter, referred to in text, subsecs. (a), (c)(1), and (d), was in the original "this Act", meaning Pub.L. 96-478, Oct. 21, 1980, 94 Stat. 2297, known as the "Act to Prevent Pollution from Ships". For complete classification of this Act to the Code, see Short Title note below and Tables volume.

Effective Date. Section effective Oct. 2, 1983, see section 14(a) of Pub.L. 96-478, set out as a note under section 1901 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-478, see 1980 U.S. Code Cong. and Adm. News, p. 4849.

West's Federal Forms

Administrative subpoenas, enforcement of, see § 6004 et seq.
Jurisdiction and venue in district courts, matters pertaining to, see § 1003 et seq.
Proceedings to compel discovery and enforcement of penalties for refusal to make discovery, see § 3681 et seq.
Production of documents, motions and orders pertaining to, see § 3551 et seq.
Subpoenas, see § 3981 et seq.

Library References

Health and Environment ⇨37.
C.J.S. Health and Environment §§ 48, 113, 114, 141, 143, 148, 149, 155.

§ 1908. Penalties for violations

(a) Criminal penalties

A person who knowingly violates the MARPOL Protocol, this chapter, or the regulations issued thereunder shall, for each violation, be fined not more than \$50,000 or be imprisoned for not more than 5 years, or both.

(b) Civil penalties; separate violations; assessment notice; considerations affecting amount

A person who is found by the Secretary, after notice and an opportunity for a hearing, to have—

(1) violated the MARPOL Protocol, this chapter, or the regulations issued thereunder shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation; or

(2) made a false, fictitious, or fraudulent statement or representation in any matter in which a statement or representation is required to be made to the Secretary under the MARPOL Protocol, this chapter, or the regulations thereunder, shall be liable to the United States for a civil penalty, not to exceed \$5,000 for each statement or representation.

Each day of a continuing violation shall constitute a separate violation. The amount of the civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters as justice may require.

(c) Abatement of civil penalties; collection by Attorney General

The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to assessment or which has been assessed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States for collection in any appropriate district court of the United States.

(d) Liability in rem; district court jurisdiction

A ship operated in violation of the MARPOL Protocol, this chapter, or the regulations thereunder is liable in rem for any fine imposed under subsection (a) of this section or civil penalty assessed pursuant to subsection (b) of this section, and may be proceeded against in the United States district court of any district in which the ship may be found.

(e) Ship clearance or permits; refusal or revocation; bond or other surety

If any ship subject to the MARPOL Protocol or this chapter, its owner, operator, or person in charge is liable for a fine or civil penalty under this section, or if reasonable cause exists to believe that the ship, its owner, operator, or person in charge may be subject to a fine or civil penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall refuse or revoke—

(1) the clearance required by section 91 of Title 46; or

(2) a permit to proceed under section 313 of Title 46 or section 1443 of Title 19.

Clearance or a permit to proceed may be granted upon the filing of a bond or other surety satisfactory to the Secretary.

(f) Referrals for appropriate action by foreign country

Notwithstanding subsection (a), (b), or (d) of this section, if the violation is by a ship registered in or of the nationality of a country party to the MARPOL Protocol, or one operated under the authority of a country party to the MARPOL Protocol, the Secretary, acting in coordination with the

Secretary of State, may refer the matter to that country for appropriate action, rather than taking the actions required or authorized by this section.

(Pub.L. 96-478, § 9, Oct. 21, 1980, 94 Stat. 2301.)

Historical Note

References in Text. This chapter, referred to in subsecs. (a), (b)(1), (2), and (d), was in the original "this Act", meaning Pub.L. 96-478, Oct. 21, 1980, 94 Stat. 2297, known as the "Act to Prevent Pollution from Ships". For complete classification of this Act to the Code, see Short Title note below and Tables volume.

Effective Date. Section effective Oct. 2, 1983, see section 14(a) of Pub.L. 96-478, set out as a note under section 1901 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-478, see 1980 U.S. Code Cong. and Adm. News, p. 4849.

Cross References

Detention orders, see section 1904 of this title.

Failure to refuse or revoke clearances or permits, action against Secretary of Treasury for, see section 1910 of this title.

West's Federal Forms

Bonds and undertakings, see § 1521 et seq.

Jurisdiction and venue in district courts, matters pertaining to, see § 1003 et seq.

Sentence and fine, see § 7531 et seq.

Library References

Health and Environment ◊38.

C.J.S. Health and Environment §§ 49, 50, 134, 139, 151 to 154, 156.

§ 1909. MARPOL Protocol; proposed amendments

(a) Acceptance of certain amendments by President

A proposed amendment to the MARPOL Protocol received by the United States from the Secretary-General of the Inter-Governmental Maritime Consultative Organization pursuant to Article VI of the MARPOL Protocol, may be accepted on behalf of the United States by the President following the advice and consent of the Senate, except as provided for in subsection (b) of this section.

(b) Action on certain amendments by Secretary of State

A proposed amendment to Annex I or II, appendices to the Annexes, or Protocol I of the MARPOL Protocol, received by the United States from the Secretary-General of the Inter-Governmental Maritime Consultative Organization pursuant to Article VI of the MARPOL Protocol, may be the subject of appropriate action on behalf of the United States by the Secretary of State following consultation with the Secretary, who shall inform the Secretary of State as to what action he considers appropriate at least 30 days prior to the expiration of the period specified in Article VI of the MARPOL Protocol during which objection may be made to any amendment received.

(c) Declaration of nonacceptance by Secretary of State

Following consultation with the Secretary, the Secretary of State may make a declaration that the United States does not accept an amendment proposed pursuant to Article VI of the MARPOL Protocol.

(Pub.L. 96-478, § 10, Oct. 21, 1980, 94 Stat. 2302.)

Historical Note

Effective Date. Section effective Oct. 2, 1983, see section 14(a) of Pub.L. 96-478, set out as a note under section 1901 of this title. **Legislative History.** For legislative history and purpose of Pub.L. 96-478, see 1980 U.S. Code Cong. and Adm. News, p. 4849.

Library References

Health and Environment ☞ 25.7(15).
C.J.S. Health and Environment §§ 107, 134.

§ 1910. Legal actions**(a) Persons with adversely affected interests as plaintiffs; defendants**

Except as provided in subsection (b) of this section, any person having an interest which is, or can be, adversely affected, may bring an action on his own behalf—

(1) against any person alleged to be in violation of the provisions of this chapter, or regulations issued hereunder;

(2) against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under this chapter which is not discretionary with the Secretary;

(3) against the Secretary of the Treasury where there is alleged a failure of the Secretary of the Treasury to take action under section 1908(e) of this title.

(b) Commencement conditions

No action may be commenced under subsection (a) of this section—

(1) prior to 60 days after the plaintiff has given notice, in writing and under oath, to the alleged violator, the Secretary concerned, and the Attorney General; or

(2) if the Secretary has commenced enforcement or penalty action with respect to the alleged violation and is conducting such procedures diligently.

(c) Venue

Any suit brought under this section shall be brought—

(1) in a case concerning an onshore facility or port, in the United States district court for the judicial district where the onshore facility or port is located;

(2) in a case concerning an offshore facility or offshore structure under the jurisdiction of the United States, in the United States district court for the judicial district nearest the offshore facility or offshore structure;

(3) in a case concerning a ship, in the United States district court for any judicial district wherein the ship or its owner or operator may be found; or

(4) in any case, in the District Court for the District of Columbia.

(d) Costs; attorney fees; witness fees

The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party including the Federal Government.

(e) Federal Intervention

In any action brought under this section, if the Secretary or Attorney General are not parties of record, the United States, through the Attorney General, shall have the right to intervene.

(Pub.L. 96-478, § 11, Oct. 21, 1980, 94 Stat. 2302.)

Historical Note

References in Text. This chapter, referred to in subsec. (a)(1) and (2), was in the original "this Act", meaning Pub.L. 96-478, Oct. 21, 1980, 94 Stat. 2297, known as the "Act to Prevent Pollution from Ships". For complete classification of this Act to the Code, see Short Title note below and Tables volume.

Effective Date. Section effective Oct. 2, 1983, see section 14(a) of Pub.L. 96-478, set out as a note under section 1901 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-478, see 1980 U.S. Code Cong. and Adm. News, p. 4849.

West's Federal Forms

Intervention, motion for leave, see § 3111 et seq.

Jurisdiction and venue in district courts, matters pertaining to, see § 1003 et seq.

Taxation of costs, see § 4612 et seq.

§ 1911. Authority of Secretary under port and tanker safety program unaffected

Nothing in this chapter shall be construed as limiting, diminishing, or otherwise restricting any of the authority of the Secretary under the Port and Tanker Safety Act of 1978.

(Pub.L. 96-478, § 15, Oct. 21, 1980, 94 Stat. 2303.)

Historical Note

References in Text. This chapter, referred to in text, was in the original "this Act", meaning Pub.L. 96-478, Oct. 21, 1980, 94 Stat. 2297, known as the "Act to Prevent Pollution from Ships". For complete classification of this Act to the Code, see Short Title note below and Tables volume.

The Port and Tanker Safety Act of 1978, referred to in text, is Pub.L. 95-474, Oct. 17, 1978, 92 Stat. 1471, which enacted sections 1225, 1228 to 1231, and 1232 of this title, amended sections 1221 to 1224, 1226, and 1227 of this title, and sections 214 and 391a

of Title 46, Shipping, and enacted provisions set out as notes under sections 1221 and 1224 of this title and section 391a of Title 46. For complete classification of this Act to the Code, see Short Title note set out under section 1221 of this title and Tables volume.

Effective Date. Section effective Oct. 2, 1983, see section 14(a) of Pub.L. 98-478, set out as a note under section 1901 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-478, see 1980 U.S. Code Cong. and Adm. News, p. 4849.

[enacting section 2073 of this title] is effective on October 1, 1981."

Short Title. Section 1 of Pub.L. 96-591 provided: "That this Act [enacting this chapter, amending sections 151, 1604, 1605, and 1608 of this title, repealing sections 154 to 159, 171 to 183, 191, 192, 201 to 213, 221, 222, 231, 232, 241 to 244, 251 to 262, 271, 272, 281 to 295, 301 to 303, 311 to 323, 331, 341 to 356, 360, and 360a of this title and sections 526b, 526c, and 526d of Title 46, Shipping, and enacting provisions set out as

notes under this section] may be cited as the 'Inland Navigational Rules Act of 1980'."

Repeal of Predecessor Provisions; Savings Provisions. Section 8(a) of Pub.L. 96-591 provided in part that: "The laws specified in the following schedules are repealed. Any prior rights or liabilities existing under these laws are not affected by their repeal." [The schedules repealed sections 154 to 159, 171 to 183, 191, 192, 201 to 213, 221, 222, 231, 232, 301 to 303, 311 to 323, 331, 341 to 356, 360, and 360a of this title and sections 526b, 526c, and 526d of Title 46, Shipping.]

"REVISED STATUTES

SEC 4233.
SEC 4233A.

SEC 4233B.
SEC 4233C.

Date	Chapter	Statutes at Large, sections	Volume	Page
1890: Aug. 19	802		26	320
1893: Mar. 3	202		27	557
1895: Feb. 19	102	1, 3, 4	28	672
1897:				
Mar. 3	389	5, 12, 13	29	689
June 7	4		30	96
1900: Feb. 19	22		31	30
1905: Mar. 3	1457	10	33	1032
1914: May 25	98		38	381
1933: Mar. 1	157		47	1417
1935: Aug. 21	595	2, 3, 4, 5	49	669
1936: May 20	433		49	1367
1940:				
Apr. 22	128	1, 3	54	150
Apr. 25	155	3, 4, 5	54	164
1945: Dec. 3	511	1, 2	59	590
1948:				
Mar. 5	99		62	69
May 21	328		62	249
1953: Aug. 8	386		67	497
1956: June 4	373		70	228

Date	Public Law	Sections	Volume	Page
1958:				
Aug. 14	85	635	72	590
Aug. 14	85	656	72	612
1963:				
Aug. 5	88	84	77	116
Oct. 30	88	163	77	281
1966: Nov. 5	89	764 1, 2, 5, 6	80	1313"

Section 8(b) of Pub.L. 96-591 provided in part that: "The following laws [sections 241 to 244, 251 to 262, 271, 272, and 281 to 295 of this title] are repealed when the Secretary establishes an effective date under section 7 [set out as a note above]."

Date	Chapter	Statutes at Large, sections	Volume	Page
1895: Feb. 8	64		28	645
1928:				

Date	Chapter	Statutes at Large, sections	Volume	Page
May 17	600		45	592
May 17	601		45	593
1929: Feb. 28	370		45	1405
1932: May 9	175		47	152
1940: Apr. 22	128 2		54	150
1948: Mar. 18	138		62	82

Date	Public Law	Sections	Volume	Page
1958: Mar. 28	85-350		72	49
1966: Nov. 5	89-764 3, 4		80	1313"

Legislative History. For legislative history and purpose of Pub.L. 96-591, see 1980 U.S. Code Cong. and Adm News, p. 7068.

Cross References

Liability of operator and vessel for civil penalty for violation of certificate of alternative compliance, see section 2072 of this title.
Registered United States and Canadian pilots for Great Lakes, regulation by state prohibited, see section 9306 of Title 46, Shipping.

Library References

Collision \Rightarrow 6.
C.J.S. Collision § 24 et seq.

Notes of Decisions

Enforcement of rules by state courts 2 **2. Enforcement of rules by state courts**
Law governing 1
Persons subject to rules 3
Waters subject to rules 4

1. Law governing
Law of flag governs where vessels of same nationality collide in Great Lakes. *Canada Malting Co. v. Paterson Steamships*, N.Y. 1932, 52 S.Ct. 413, 285 U.S. 413, 76 L.Ed. 837.

The rights granted to the town of Huntington, on Long Island, so far as relates to navigable waters within the town, were subject to the general sovereignty and jurisdiction of the government under which the town existed, to which general jurisdiction the state of New York and the United States have legally succeeded, and the laws of the United States regulating navigation are applicable to and binding on all craft on that portion of Great South Bay within the town, the same as upon vessels on navigable waters elsewhere. *The Stella B.*, D.C.N.Y. 1910, 183 F. 507.

2. Enforcement of rules by state courts
The state courts are required to take judicial notice of and to enforce the general statutes of Congress regulating navigation, without any formal proof, even if the point be not urged by counsel. *Curlin v. New York, N.H. & H.R. Co.*, 1911, 130 N.Y.S. 828, 71 Misc. 521.

The common-law courts of a state should give the navigation rules the same construction as they are given by the federal courts sitting in admiralty, and given the force of binding enactments, not mere prudential regulations. *Chesley v. Nantasket Beach Steamboat Co.*, 1901, 61 N.E. 50, 179 Mass. 469.

3. Persons subject to rules
The rules of navigation are rules of conduct enjoined on all, and it is not for a master, or for experts, to say that, in certain circumstances, it is good seamanship to disregard those rules. *Partenreederei Wallschiff v. The Pioneer*, D.C.Mich.1958, 164 F.Supp. 421 affirmed 287 F.2d 886, certiorari denied 82 S.Ct. 44, 366 U.S. 825, 7 L.Ed.2d 29.

Anyone who undertakes to operate a vessel, regardless of size and speed, upon navigable waters in United States is charged with knowledge of existence of these rules and mandatory duty to obey them. *Allen v.*

A collision occurring within Canadian waters is controlled by the Canadian statutes. *The Lansdowne*, D.C.Mich.1900, 105 F. 436.

3 HJR-61



Alaska State Legislature

House of Representatives

Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4833

TO: Rep. Henry Springer, Chairman HCRA

FROM: David C. Harrison, P. A., HCRA *DCH*

Subject: HJR 61 Relating to garbage dumping in the ocean.

"MARPOL reference in HJR 61 refers to the PROTOCOL of 1978, the International Convention for the Prevention of Pollution from ships at sea. The agreement was signed on February 17, 1978, in London.

The intent of the Protocol was to help prevent pollution of the oceans by those nations that signed the agreement.

The Protocol's intent is to prevent discharge of harmful substance into the ocean. If ships who fly the flag(s) of the nations that signed the agreement violate the protocol, certain measures can be taken to require remedial action by those nations cooperating in reducing the incidence of ocean pollution. Their ships are subject to certain measures that require certificates, etc. Also nations signing the 'MARPOL' agreement are to provide certain kinds of facilities (on shore) locations to handle such wastes, etc.

There are penalties and remedies for ships violating the MARPOL accord if pollution occurs.

HJR 61 is an appropriate resolution notifying the Federal Congress and those agencies whose duties require them to help prevent pollution and police the marine environment of the State's interest in providing waste facilities for ships under the MARPOL agreements.

Major Fisheries and Coast Guard Bills Move Through Congress Driftnet, Plastics Pollution Restrictions Signed Into Law

Congress has approved and the President has signed into law an omnibus package of legislation that I sponsored which affects the fishing industry in Alaska. Included in the bill are provisions which authorize the Governing International Fisheries Agreement (GIFA) between the U.S. and Japan, implement the Convention on Prevention of Pollution at Sea, reauthorize the Sea Grant Program, and implement controls on the use of high seas driftnets.

The Governing International Fisheries Agreement with Japan will run for two years, and will extend a number of joint ventures in the Kodiak area between Alaska fishermen and Japanese companies.

The bill combats the growing problem of ocean dumping of plastics. It implements Annex V of the International Convention for the Prevention of Pollution from Ships. Annex V prohibits the disposal of plastic garbage from ships anywhere in the sea, and establishes the distance from shore where the disposal of other types of garbage, such as glass, paper, and organic garbage, is prohibited.

The Sea Grant Program is also reauthorized under the legislation. This program has been in effect since the 1970's and has been responsible for important marine research activities. The University of Alaska is a Sea Grant University and receives funds under the program for research and academic instruction. The Alaska Marine Advisory Program is also funded under the Sea Grants.

The driftnet provisions in the bill require the Secretary of Commerce, acting through the Secretary of State, to enter into negotiations with those nations that allow their vessels to engage in driftnet fishing on the high seas in order to establish monitoring of those fisheries. The Secretary is also required to negotiate enforcement agreements with these nations. If these agreements are not negotiated and imple-

mented, the U.S. can embargo imports of fish from that nation.

I agree with many Alaska fishermen that this bill does not go far enough. In order to get any agreement, and the negotiations process started, however, we need the approval of many diverse interests. It is my personal intent to continue to seek ways to more closely control driftnet fishing on the high seas. I do not consider this bill to be the final chapter, but rather one more step in my effort to stop this tremendous waste of our marine resources, and eliminate the high seas interception of salmon.

The House also approved and sent to the Senate separate legislation which authorizes \$2.6 billion for the Coast Guard to carry out its fisheries enforcement, search and rescue, and drug interdiction missions.

The legislation includes two provisions which were added at my request. The first would authorize relocation assistance, similar to that extended to Department of Defense personnel, to Coast Guard employees in Alaska, and in particular Juneau, who were affected by the reorganization of support and logistics functions to Alameda, California. The Authorization also includes an extension of local hire provisions on Coast Guard contracts.

This Authorization should provide the funding levels necessary for the Coast Guard to carry out its critical missions in Alaska. The local hire and relocation assistance programs are very important to Alaska, and I will continue to work with Senators Stevens and Murkowski to see that they are included in the Senate version of the authorization.

This entire package of bills are important to a maritime state like Alaska. The plastics provisions will protect our coastline and marine mammals. The Sea Grant Program funds important research in the state, and the GIFA provides continued employment to a number of Alaska fishermen.

100TH CONGRESS]
1st Session

SENATE

TREATY DOC.
100-3

REGULATIONS FOR THE PREVENTION OF POLLUTION
BY GARBAGE FROM SHIPS (ANNEX V OF MARPOL
73/78)

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

ANNEX V, REGULATIONS FOR THE PREVENTION OF POLLUTION
BY GARBAGE FROM SHIPS, AN OPTIONAL ANNEX TO THE 1978
PROTOCOL RELATING TO THE INTERNATIONAL CONVENTION
FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973
(MARPOL 73/78)



FEBRUARY 17, 1987.—Annex was read the first time, and together with
the accompanying papers, referred to the Committee on Foreign Rela-
tions and ordered to be printed for the use of the Senate.

U.S. GOVERNMENT PRINTING OFFICE

91-11A

WASHINGTON : 1987

TRANSMITTED FROM 2027834187

02.03.88 18:14 P.04 - JSCF

LETTER OF SUBMITTAL.

**DEPARTMENT OF STATE,
Washington, January 21, 1987.**

**The PRESIDENT,
The White House.**

THE PRESIDENT: I have the honor to submit to you Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973, (MARPOL 73/78). Annex V and the other Optional Annexes, III and IV which deal with pollution from packaged harmful substances and sewage, were transmitted only for the information of the Senate when the original MARPOL Convention was transmitted to the Senate on March 22, 1977 for its advice and consent to ratification. Optional Annexes III and IV are still the subject of ongoing review and Senate advice and consent to them is not now being sought. The MARPOL Protocol entered into force for the United States on October 2, 1983.

Annex V establishes international regulations for prohibiting or otherwise restricting discharges into the oceans of all types of garbage generated during the normal operation of ships. Annex V will not completely solve the pollution threat of garbage disposal into the oceans but I believe that it is a critical first step in dealing with this international problem. Effective implementation of it would make a significant contribution to reducing the amount of vessel generated plastic garbage and other debris which are currently entering the marine environment seriously endangering a variety of marine life, including birds, marine mammals, turtles and seals. United States ratification would demonstrate to the world the United States resolve to protect that environment, giving due consideration to the joint efforts of the international community in the International Maritime Organization and other fora.

A major purpose of Annex V is to prohibit (subject to limited exceptions) the disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags. Disposal into the sea of other garbage must be made as far as practicable from nearest land but in any case is prohibited (subject to limited exceptions) if the vessel's distance from the nearest land is less than 25 nautical miles for dunnage, lining and packing materials which will float, and 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal bottles, crockery and similar refuse. Reception facilities capable of accepting garbage from vessels will be required at ports and terminals. We expect the private sector will be capable of providing the additional reception facilities required by this Annex.

REGULATION 3

DISPOSAL OF GARBAGE OUTSIDE SPECIAL AREAS

Subject to the provisions of Regulations 4, 5 and 6 of this Annex:

(a) the disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags is prohibited;

(b) the disposal into the sea of the following garbage shall be made as far as practicable from the nearest land but in any case if prohibited if the distance from the nearest land is less than:

(i) 25 nautical miles for dunnage, lining and packing materials which will float;

(ii) 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse;

(c) disposal into the sea of garbage specified in sub-paragraph (ii) of this Regulation may be permitted when it has passed through a comminuter or grinder and made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than 3 nautical miles. Such comminuted or ground garbage shall be capable of passing through a screen with openings no greater than 25 millimetres.

When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

REGULATION 4

SPECIAL REQUIREMENTS FOR DISPOSAL OF GARBAGE

Subject to the provisions of paragraph (2) of this Regulation, disposal of any materials regulated by this Annex is prohibited from fixed or floating platforms engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources, and from all other ships when alongside or within 500 metres of such platforms.

The disposal into the sea of food wastes may be permitted if they have been passed through a comminuter or grinder on such fixed or floating platforms located more than 12 nautical miles from land and all other ships when alongside or within 500 metres of such platforms. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 millimetres.

REGULATION 5

DISPOSAL OF GARBAGE WITHIN SPECIAL AREAS

For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area and the "Gulfs area" which are defined as follows:

(a) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41°N parallel and bounded to the west by the Straits of Gibraltar and the meridian of 5°36'W.

(b) The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia and the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8'N.

(c) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41°N.

(d) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Araba bounded at the south by the rhumb line between Ras Zi Ane (12°8.5'N, 43°19.6'E) and Husn Murad (12°40.4'N, 43°30.2'E).

(e) The "Gulfs area" means the sea area located north west of the rhumb line between Ras al Hadd (22°30'N, 59°48'E) and Ras al Fastah (25°04'N, 61°25'E).

(2) Subject to the provisions of Regulation 6 of this Annex:

(a) disposal into the sea of the following is prohibited:

(i) all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags; and

(ii) all other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials;

(b) disposal into the sea of food wastes shall be made as far as practicable from land, but in any case not less than 12 nautical miles from the nearest land.

(3) When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

(4) Reception facilities within special areas:

(a) The Government of each Party to the Convention, the coastline of which borders a special area, undertakes to ensure that as soon as possible in all ports within a special area, adequate reception facilities are provided in accordance with Regulation 7 of this Annex, taking into account the special needs of ships operating in these areas.

(b) The Government of each Party concerned shall notify the Organization of the measures taken pursuant to sub-paragraph (a) of this Regulation. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of this Regulation in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established no less than twelve months in advance of that date.

(c) After the date so established, ships calling also at ports in these special areas where such facilities are not yet available shall fully comply with the requirements of this Regulation.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

100TH CONGRESS
1st Session

SENATE

TREATY DOC.
100-3

REGULATIONS FOR THE PREVENTION OF POLLUTION
BY GARBAGE FROM SHIPS (ANNEX V OF MARPOL
73/78)

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

ANNEX V, REGULATIONS FOR THE PREVENTION OF POLLUTION
BY GARBAGE FROM SHIPS, AN OPTIONAL ANNEX TO THE 1978
PROTOCOL RELATING TO THE INTERNATIONAL CONVENTION
FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973
(MARPOL 73/78)



FEBRUARY 17, 1987.—Annex was read the first time, and together with
the accompanying papers, referred to the Committee on Foreign Rela-
tions and ordered to be printed for the use of the Senate.

U.S. GOVERNMENT PRINTING OFFICE

LETTER OF TRANSMITTAL

THE WHITE HOUSE, February 9, 1987.

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate, Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973, (MARPOL 73/78). I also transmit for the information of the Senate the report of the Department of State on this Annex.

The MARPOL Protocol entered into force for the United States on October 2, 1983. Annex V and the other two Optional Annexes III and IV, which deal with pollution from packaged harmful substances and sewage, were transmitted only for the information of the Senate when the original MARPOL Convention was transmitted to the Senate on March 22, 1977, for its advice and consent to ratification.

Annex V prohibits (subject to limited exceptions) the disposal from ships into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets, and plastic garbage bags. It also restricts the discharge at sea of other types of garbage to specified distances from the nearest land.

The entry into force of Annex V of MARPOL 73/78 will be an important step in controlling and preventing pollution from discharges of ship generated garbage. I recommend that the Senate give early consideration to Optional Annex V of MARPOL 73/78 and give its advice and consent to ratification.

RONALD REAGAN.

(12)

TRANSMITTED FROM 2027834187

02.03.88 18:14 P.03 *JSCF

TRANSMITTED FROM 2027834187

02.03.88 18:14 P.04 *JSCF

LETTER OF SUBMITTAL.

**DEPARTMENT OF STATE,
Washington, January 21, 1987.**

**The PRESIDENT,
The White House.**

THE PRESIDENT: I have the honor to submit to you Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973, (MARPOL 73/78). Annex V and the other Optional Annexes, III and IV which deal with pollution from packaged harmful substances and sewage, were transmitted only for the information of the Senate when the original MARPOL Convention was transmitted to the Senate on March 22, 1977 for its advice and consent to ratification. Optional Annexes III and IV are still the subject of ongoing review and Senate advice and consent to them is not now being sought. The MARPOL Protocol entered into force for the United States on October 2, 1983.

Annex V establishes international regulations for prohibiting or otherwise restricting discharges into the oceans of all types of garbage generated during the normal operation of ships. Annex V will not completely solve the pollution threat of garbage disposal into the oceans but I believe that it is a critical first step in dealing with this international problem. Effective implementation of it would make a significant contribution to reducing the amount of vessel generated plastic garbage and other debris which are currently entering the marine environment seriously endangering a variety of marine life, including birds, marine mammals, turtles and seals. United States ratification would demonstrate to the world the United States resolve to protect that environment, giving due consideration to the joint efforts of the international community in the International Maritime Organization and other fora.

A major purpose of Annex V is to prohibit (subject to limited exceptions) the disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags. Disposal into the sea of other garbage must be made as far as practicable from nearest land but in any case is prohibited (subject to limited exceptions) if the vessel's distance from the nearest land is less than 25 nautical miles for dunnage, lining and packing materials which will float, and 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal bottles, crockery and similar refuse. Reception facilities capable of accepting garbage from vessels will be required at ports and terminals. We expect the private sector will be capable of providing the additional reception facilities required by this Annex.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

LETTER OF TRANSMITTAL

THE WHITE HOUSE, February 9, 1987.

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate, Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973, (MARPOL 73/78). I also transmit for the information of the Senate the report of the Department of State on this Annex.

The MARPOL Protocol entered into force for the United States on October 2, 1983. Annex V and the other two Optional Annexes III and IV, which deal with pollution from packaged harmful substances and sewage, were transmitted only for the information of the Senate when the original MARPOL Convention was transmitted to the Senate on March 22, 1977, for its advice and consent to ratification.

Annex V prohibits (subject to limited exceptions) the disposal from ships into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets, and plastic garbage bags. It also restricts the discharge at sea of other types of garbage to specified distances from the nearest land.

The entry into force of Annex V of MARPOL 73/78 will be an important step in controlling and preventing pollution from discharges of ship generated garbage. I recommend that the Senate give early consideration to Optional Annex V of MARPOL 73/78 and give its advice and consent to ratification.

RONALD REAGAN.

(11)

As compared to mandatory Annexes I and II on pollution by oil and noxious liquid substances in bulk to which the United States is bound and which have been construed to apply only to seagoing vessels, Annex V will apply to all ships operating in the marine environment.

As with all other MARPOL 73/78 regulations in force for them, States bound by Annex V will be required to apply Annex V regulations to all ships, including those of non-party States, using their ports or otherwise under their jurisdiction.

Annex V will enter into force 12 months after the date on which not less than 15 States, the combined fleets of which constitute not less than 50 percent of the gross tonnage of the world's merchant shipping, have become parties to it. Annex V has not yet entered into force, having been ratified by 21 States representing only approximately 45% of the world's shipping tonnage. United States ratification would increase the tonnage to 49% and would in our view expedite entry into force of Annex V.

This Annex has been under active study by the United States and other nations in an effort to make its provisions more meaningful and enforceable. The International Maritime Organization's Marine Environment Protection Committee (MEPC) at its 23rd session, July 7-11, 1986 agreed to a United States proposed technical amendment to Annex V. This amendment—deletion of the words "or synthetic material incidental to the repair of such nets" from regulation 6(c)—would clarify and strengthen the prohibition on disposal of non-repairable sections of synthetic fishing nets, a problem which is contributing to an increase in the mortality of several marine species. The MEPC also agreed with the United States proposal that this amendment should be circulated with a view to formal adoption in accordance with Article 16 (tacit amendment procedure) of MARPOL 73/78, after entry into force of Annex V so as not to require States that have already ratified the Annex to re-ratify it. This amendment procedure was established to achieve more effective and rapid implementation of technical amendments to MARPOL 73/78 Annexes.

The United States Coast Guard has prepared an environmental assessment indicating that United States ratification of Annex V would not have a significant adverse impact on the environment and would indeed be environmentally beneficial. The environmental assessment will be transmitted separately to the Senate Committee on Foreign Relations. Annex V will require implementing legislation which is being prepared.

Annex V has the support of the United States Coast Guard, National Oceanic and Atmospheric Administration, the Marine Mammal Commission and all other interested agencies of the Executive Branch as well as environmental organizations and a substantial majority of the maritime industry. Although there has been some opposition within the maritime industry, I do not believe it will cause a problem in the ratification process.

I recommend that Annex V be transmitted to the Senate for its advice and consent to ratification at an early date.

Respectfully submitted,

GEORGE P. SHULTZ.

INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION
FROM SHIPS, 1973

ANNEX V

REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM
SHIPS

REGULATION 1

DEFINITIONS

For the purposes of this Annex:

(1) "Garbage" means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the present Convention.

(2) "Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law except that, for the purposes of the present Convention "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11°00' South, longitude 142°08' East to a point in latitude 10°35' South,

longitude 141°55' East, thence to a point latitude 10°00' South, longitude 142°00' East, thence to a point latitude 9°10' South, longitude 143°52' East, thence to a point latitude 9°00' South, longitude 144°30' East, thence to a point latitude 13°00' South, longitude 144°00' East, thence to a point latitude 15°00' South, longitude 146°00' East, thence to a point latitude 18°00' South, longitude 147°00' East, thence to a point latitude 21°00' South, longitude 153°00' East, thence to a point on the coast of Australia in latitude 24°42' South, longitude 153°15' East.

(3) "Special area" means a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by garbage is required. Special areas shall include those listed in Regulation 5 of this Annex.

REGULATION 2

APPLICATION

The provisions of this Annex shall apply to all ships.

LETTER OF SUBMITTAL.

DEPARTMENT OF STATE,
Washington, January 21, 1987.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973, (MARPOL 73/78). Annex V and the other Optional Annexes, III and IV which deal with pollution from packaged harmful substances and sewage, were transmitted only for the information of the Senate when the original MARPOL Convention was transmitted to the Senate on March 22, 1977 for its advice and consent to ratification. Optional Annexes III and IV are still the subject of ongoing review and Senate advice and consent to them is not now being sought. The MARPOL Protocol entered into force for the United States on October 2, 1983.

Annex V establishes international regulations for prohibiting or otherwise restricting discharges into the oceans of all types of garbage generated during the normal operation of ships. Annex V will not completely solve the pollution threat of garbage disposal into the oceans but I believe that it is a critical first step in dealing with this international problem. Effective implementation of it would make a significant contribution to reducing the amount of vessel generated plastic garbage and other debris which are currently entering the marine environment seriously endangering a variety of marine life, including birds, marine mammals, turtles and seals. United States ratification would demonstrate to the world the United States resolve to protect that environment, giving due consideration to the joint efforts of the international community in the International Maritime Organization and other fora.

A major purpose of Annex V is to prohibit (subject to limited exceptions) the disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags. Disposal into the sea of other garbage must be made as far as practicable from nearest land but in any case is prohibited (subject to limited exceptions) if the vessel's distance from the nearest land is less than 25 nautical miles for dunnage, lining and packing materials which will float, and 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal bottles, crockery and similar refuse. Reception facilities capable of accepting garbage from vessels will be required at ports and terminals. We expect the private sector will be capable of providing the additional reception facilities required by this Annex.