

# **Antarctic Conservation Act of 1978**

(Public Law 95-541)

*as amended by*

# **Antarctic Science, Tourism, and Conservation Act of 1996**

(Public Law 104-227)

with

**Regulations**



**Management Plans with Maps for  
Antarctic Specially Protected Areas**



**List of Historic Sites and Monuments**



**Permit Application Form**



**The Protocol on Environmental Protection to the  
Antarctic Treaty (1991)**



**NATIONAL SCIENCE FOUNDATION  
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# INTRODUCTION

The Antarctic Conservation Act of 1978, Public Law 95-541, as amended by the Antarctic Science, Tourism, and Conservation Act of 1996, Public Law 104-227 (hereafter referred to as the ACA), conserves and protects the native mammals, birds, and plants of Antarctica and the ecosystems of which they are a part.

The law applies to –

- The area south of 60° South latitude
- U.S. citizens in Antarctica,
- certain persons in Antarctica who participate in U.S. government activities,
- U.S. corporations or other legal entities that organize expeditions into the Antarctic, and
- U.S. persons wherever located, or foreign persons while in the United States, who import certain antarctic animals and plants.

A permit system authorized by the ACA allows certain activities, otherwise prohibited, when performed within prescribed restrictions for scientific or other worthwhile purposes.

The ACA provides penalties of up to \$25,000 and 1 year imprisonment for violations.

The National Science Foundation (NSF), the agency of the U.S. Government that funds and manages the U.S. Antarctic Program (USAP), administers the ACA and its permit system.

Certain NSF employees in Antarctica are designated enforcement officers. These Federal officials are responsible for ensuring compliance with the ACA implementing regulations, and issuing permits. They are also available to help people understand their obligations. They may review permits to ensure terms and conditions are fulfilled and are authorized to serve warrants; search and seize property without a warrant; take affidavits; detain for inspection and inspect packages, crates, or other containers; and make an arrest with or without a warrant.

If you believe you may have witnessed a violation of the ACA report your observation to an enforcement officer, an observer, or other authority.

## SUMMARY OF THIS BOOK

This book contains the ACA its regulations, and supplementary information.

### **SECTION ONE:**

#### **Regulations Pursuant to the Antarctic Conservation Act as amended by the Antarctic Science, Tourism, and Conservation Act**

It is unlawful, unless authorized by permit, to:

1. take native mammals, birds, or plants,
2. engage in harmful interference of native mammals, birds, or plants,
3. enter specially designated areas,
4. introduce species to Antarctica,
5. introduce substances designated as pollutants,
6. discharge designated pollutants, or
7. import certain antarctic items into the United States.

#### **1. Taking or harmful interference of native mammals, birds or plants**

It is unlawful, unless authorized by permit, to take Antarctic native mammals, birds, or plants. To take means to kill, injure, capture, handle, or molest native mammal or bird, or to adversely impact a significant number of native plants.

For example, herding a seal or a penguin into position for a photograph constitutes an illegal taking. An ornithologist with a grant to study penguin population dynamics must have a permit before banding the penguins (a grant and a permit are two different things). Further, a scientist permitted to handle ten skuas would be performing an illegal taking if he or she handled eleven skuas.

Entering a bird nesting area or approaching seals with their pups will almost certainly stimulate agitation or defensive behavior. Any action that alters the normal behavior of wildlife may be considered harassment and therefore a taking. Section 5 of this book explains how to apply for a permit.

#### **2. Engaging in harmful interference**

It is unlawful, unless authorized by permit, for any person to engage in harmful interference in Antarctica of native mammals, native birds, native plants or native invertebrates. To engage in harmful interference means to fly or land aircraft, to use vehicles or vessels, or to using explosives or firearms in a way that disturbs concentrations of birds or seals. Harmful interference also includes willfully disturbing birds or seals by persons on foot, significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, walking on them, or by other means, and any activity that results in habitat degradation of any species or population.

#### **3. Entering specially designated areas**

Some precisely defined places in Antarctica are designated under the Antarctic Treaty, and in the U.S. law, as Antarctic Specially Protected Areas (ASPAs). You

must have a legitimate need to enter an ASPA, and you must have a permit. A permit is required for entry into ASPAs, and all entries must be consistent with the site specific management plan. Section 2 of this book contains the management plans for all ASPAs.

#### **4. Introducing species**

You need a permit to introduce nonindigenous species to Antarctica. Only domestic plants and animals and laboratory plants and animals may be considered for a permit.

#### **5. Introducing substances designated as pollutants**

Waste regulations authorized under the ACA ban certain substances from Antarctica. The banned substances include pesticides (other than those required for science, medical, or hygiene purposes), polychlorinated biphenyls (PCBs), nonsterile soil, and polystyrene beads and plastic chips.

The ACA identifies certain substances as designated pollutants. Designated pollutants must be used, stored, and disposed of in a way that prevents their release to or adverse impact on the environment. Designated pollutants include any substance listed by name or characteristic (ignitability, corrosivity, reactivity, and toxicity) in the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and other U.S. regulations specified in 45 CFR Part 671.

Many research and industrial supplies and common substances such as fuels, lighter fluid, and fingernail polish remover contain designated pollutants. A permit is required to use or release these substances into Antarctica. See section 4 of this book.

#### **6. Management of designated pollutants**

The USAP employs specialists to handle and remove designated pollutants in accordance with the regulations. Program participants receive assistance and instructions in the Antarctic, but are required to keep track of the designated pollutants they use, to sort and store them according to instructions provided, and to turn the waste over to USAP officials in accordance with specified procedures.

Any U.S. citizen or expedition planning to use or release designated pollutants or release wastes in Antarctica must make a plan for the use, storage, and disposal of these materials and apply for a waste management permit, if they are not already covered by a Master Permit (see section 4 for a discussion of the USAP Master Permit).

Some categories of waste must be removed from Antarctica. The list includes materials that have designated pollutants as constituents (these materials are antarctic hazardous wastes) as well as other substances that are not designated pollutants but that are persistent in the environment and could pose an inherent hazard to wildlife. Radioactive materials, batteries, fuel, wastes containing harmful levels of heavy metals, lubricants, treated timbers, poly-vinyl chloride and other plastic wastes (except low-density storage bags), solid non-combustibles, and fuel drums are



explicitly listed in antarctic waste regulations as materials that must be removed from Antarctica.

### **7. Importing into and exporting from the United States**

In the United States it is unlawful, unless authorized by permit, to have or sell or to import or export antarctic plants, antarctic mammals, or antarctic birds. An application for a permit must demonstrate that the import or export would further the purposes for which the species was taken or collected, demonstrate that the import or export is consistent with the purposes of the ACA and state which U.S. port will be used.

Mailing items to or from the United States constitutes an import or an export.

### **Non-governmental expeditions**

An additional regulation, Part 673, which deals with non-governmental expeditions in Antarctica, is expected to be finalized as of September 2001. The regulation implements certain of the amendments to the Antarctic Conservation Act contained in the Antarctic Science, Tourism, and Conservation Act. The new Part 673 requires U.S. tour operators to distribute educational materials to their passengers. The regulation also requires U.S. non-governmental operators using non-U.S. flagged vessels to have emergency response plans.

## **SECTION TWO:**

### **Antarctic Specially Protected Areas**

Some areas of Antarctica have features that require special protection. Antarctic Specially Protected Areas (ASPAs) were created to protect areas of special environmental, scientific, historic, aesthetic, or wilderness value. Designated ASPAs are required to have management plans that aim to prevent the degradation of their special values. A permit is required to enter these areas, and adherence to the management plans is required. Before the Protocol, protected areas in Antarctica were designated as Sites of Special Scientific interest (SSSIs) or as Specially Protected Areas (SPAs). All SSSIs and SPAs became ASPAs following the implementation of Annex V to the Protocol into U.S. law under the Antarctic Science, Tourism, and Conservation Act.

Section two includes the management plans (or descriptions where management plans have not yet been adopted by the Treaty parties) for each site. These sites require permits for entry and/or activity. It is important to contact NSF to obtain permit information and any information on revisions or additions to the sites.

## **SECTION THREE:**

### **Historic Sites and Monuments**

Just as the ecosystems of Antarctica are important, so also is Antarctica's exploration and development. It was decided at the first Antarctic Treaty Consultative Meeting to protect artifacts and areas that commemorate Antarctica's exploration. At the 5<sup>th</sup> Antarctic Treaty Consultative Meeting it was agreed that lists of historic sites and

monuments would be created. Since that meeting, lists have been consolidated into one list that has been updated continually. The monument areas have special provisions to ensure their protection. Section four of this book includes a list of the historic sites and monuments, with brief descriptions of each.

## **SECTION FOUR:**

### **Permits**

#### **Individual or group permit**

Individuals and groups traveling to Antarctica are responsible for obtaining any required permits. An initial assessment of permit needs should be made by the individual (or group) based on planned itinerary, the nature of interactions with wildlife, materials to be handled and shipped to and from Antarctica, and a thorough review of the ACA and associated waste management regulations. For assistance, call or write an Office of Polar Programs science manager or the Permit Officer at the address shown at the end of this summary. Or simply fill out and send in an application using the permit form in this book that is appropriate for all but waste management permits. Waste management permit applications should include the information outlined in the waste regulations, 45 CFR Part 671. Applicants should first check with the NSF Permit Officer to verify that the planned activities are not already covered by an existing permit. Permit requirements should be assessed well in advance (a minimum of 3 months) of planned travel dates to allow for public review periods and resolution of any issues that may arise. The Permit Officer may determine that no permits are required.

Once an application is received, a minimum of 65 days is required for NSF to review the application and decide on a permit. During that time, a summary of your application is published in the Federal Register so that any member of the public can comment on it during the 30-day comment period mandated by the ACA. The Foundation evaluates the public comments and performs an internal review. It then approves the application, approves it with modifications, or disapproves it.

You may not do things that require a permit unless you have a permit. Activities authorized by a permit may not take place before the permit is issued. Violating the terms of a permit can lead to a fine of up to \$25,000, imprisonment, removal from Antarctica, rescission of a grant, or sanctions by an employer.

A copy of a permit issued under the ACA must be in the personal possession of the individual directing or performing the permitted activity. An ACA permit is required in addition to any permit issued under other applicable acts (*e.g.*, the Marine Mammal Protection Act of 1972, Endangered Species Act of 1973, Migratory Bird Treaty Act, and the Convention on the Conservation of Antarctic Marine Living Resources).

#### **Master permit (U.S. Antarctic Program)**

In 1999 NSF's Antarctic support contractor, applied for and was issued a Master Permit, which expires on 30 September 2004. This Master Permit covers all USAP related activities and establishes requirements for management of all designated

pollutants and wastes, including requirements for removal and recycling or proper disposal in the United States of most wastes and excess materials generated by the USAP. Each USAP participant is required to adhere to procedures established by the Master Permit for handling, inventorying, storing, monitoring, and disposing of these wastes.

**APPENDIX A:**

**Antarctic Conservation Act of 1978 as amended by the Antarctic Science, Tourism and Conservation Act of 1996**

The Antarctic Conservation Act of 1978 (Public Law 95-541) as amended by the Antarctic Science, Tourism and Conservation Act of 1996 (Public Law 104-227) formalizes U.S. adherence to Antarctic Treaty conservation rules, notably the 1991 Protocol on Environmental Protection. The regulations in section one of this book derive from and implement this statute.

**APPENDIX B:**

**The Protocol on Environmental Protection to the Antarctic Treaty**

The Protocol on Environmental Protection to the Antarctic Treaty and its five annexes comprise a comprehensive system to protect the antarctic environment. The parties to the Antarctic Treaty held a special consultative meeting to discuss and explore proposals for protection of the antarctic environment and its dependent and associated ecosystems. This meeting consisted of several sessions held over a year. At the final session in Madrid, Spain in October 1991, representatives of the Antarctic Treaty nations adopted the Protocol on Environmental Protection to the Antarctic Treaty, including annexes I–IV. The 16th Antarctic Treaty Consultative Meeting, also held in October 1991, adopted Annex V. The Protocol and Annexes I-IV entered into force in January 1998, though as of July 2001, Annex V had not. In the Protocol, the representatives agree to the comprehensive protection of Antarctica’s environment and dependent and associated ecosystems to preserve the region as a natural reserve devoted to peace and science.

The United States implemented the Protocol and its five annexes into law with the

Antarctic Science, Tourism, and Conservation Act of 1996.

***For further information***

Laws change periodically. Consult the United States Code, the U.S. Code of Federal Regulations or contact the NSF Office of Polar Programs for any updated information.

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