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Agenda items 5: Specific Matters for Consideration and Action by the Meeting

Draft Decision: Guidelines for Regulating the Placement of Artificial Reefs at Sea

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UNEP/MAP
Athens, 2017

Note by the Secretariat

On the basis of Article 3 (4) (b) of the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea (Dumping Protocol), and following the mandate given by the Contracting Parties in their COP 19 Decision IG.22/20 on the Programme of Work and Budget 2016-2017, the Secretariat updated the 2005 Guidelines for the placement at sea of matter for purpose other than the mere disposal (construction of artificial reefs).

The need for updated Guidelines is underlined by the increasing use of artificial reefs in coastal areas, specifically of vessels, as indicated also by data and information provided by national authorities in the framework of reporting under the Barcelona Convention and Dumping Protocol and the London Dumping Protocol and by the potential risks identified for ecosystems and human health.

In updating the Guidelines, the Secretariat took into consideration the progress achieved and lessons learnt in Guidelines implementation as well as the most recent developments on placement of artificial reefs, in particular within implementation of the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and its London Dumping Protocol, which recently issued new Guidelines. An important element of this update is to make sure that the Guidelines take into full account the relevant Ecological Objectives (EO), mainly EO 1, 2, 6, 7, 8, 9, and 10 and related GES targets. For the cases where placement for artificial reefs is to be considered, the updated Guidelines define an updated outline for the development of impact hypothesis and monitoring programmes in line with IMAP Decision (IG 22/7, COP 19, 2016).

The first draft of the updated Guidelines was prepared by the Secretariat, then reviewed in depth and revised by a regional expert meeting, held in Loutraki, Greece, on 4-6 April 2017. This version was reviewed by the meeting of the MED POL Focal Points, held in Rome, Italy, on 29-31 May 2017, which provided additional comments and endorsed the final version for transmission to the MAP Focal Points meeting, to be held in Athens, Greece, on 12-15 September 2017, which is attached as the Annex to the present Decision.

Legal analysis

Following the request of the meeting of the MED POL Focal Points, which highlighted that Part C of the Guidelines is not yet agreed pending a legal analysis explaining that the placement of vessels hulls and superstructures for the purpose of artificial reefs is not in contravention with Article 4 (2) (c) of the Dumping Protocol which prohibits the dumping of vessels in the Mediterranean Sea area since 31 December 2000, according to which the Part C is left in square brackets, the Secretariat prepared the following legal analysis.

The Dumping Protocol

Dumping: Article 3.3 of the 1995 Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea (Dumping Protocol), defines “dumping” as: “(a) any deliberate disposal at sea of wastes or other matter from ships or aircraft, (b) any deliberate disposal at sea of ships or aircraft, (c) any deliberate disposal or storage and burial of wastes or other matter on the seabed or in the marine subsoil from ships or aircraft”.

Under Article 4.1 of the Dumping Protocol, the dumping of wastes or other matter is prohibited, with the exception of those listed in paragraph 2 of that Article. This includes “vessels, until 31 December 2000”.

Placement: Under Article 3.4(b) of the Dumping Protocol, dumping does not include the “placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Protocol”.

The aims of the Dumping Protocol are:

“protecting the marine environment from this danger [the danger posed to the marine environment by the dumping or incineration of wastes or other matter]” (Preamble); and
“(…) to prevent, abate and eliminate to the fullest extent possible pollution of the Mediterranean Sea caused by dumping from ships and aircraft or incineration at sea” (Article 1).

Article 5 of the 1995 Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention), includes the same wording as Article 1 of the Dumping Protocol, by requesting Contracting Parties to take all appropriate measures “to prevent, abate and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area caused by dumping from ships and aircraft or incineration at sea”.

Specific obligations under the Dumping Protocol should be read in conjunction with the General Obligations laid down in Article 4 of the Barcelona Convention. This includes the obligation of the Contracting Parties to:

“take all appropriate measures in accordance with the provisions to this Convention and those Protocols in force to which they are party to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area and to protect and enhance the marine environment in that Area, so as to contribute towards its sustainable development”.

The updated Guidelines

As stated in its Introduction, the updated Guidelines on Placement for Artificial Reefs are prepared in pursuance to Article 3.4 (b) of the Dumping Protocol.

Part A, Section 2, Definition and Purpose: Paragraph 8 of the updated Guidelines defines the term artificial reef as “a submerged structure deliberately constructed or placed on the seabed to emulate some functions of a natural reef such as protecting, regenerating, concentrating, and/or enhancing populations of living marine resource”. In Paragraph 10, the updated Guidelines specify that the term artificial reef “does not include submerged structures deliberately placed to perform functions not related to those of a natural reef - such as breakwaters, mooring, cables, pipelines, marine research devices or platforms even if they incidentally imitate some functions of a natural reef”. Paragraph 11 sets the scope of the updated Guidelines, by stating that they address “those structures specifically built for protecting, regenerating, concentrating and/or increasing the production of living marine resources, whether for fisheries or nature conservation”.

Paragraph 11 limits the scope of the updated Guidelines to artificial reefs in relation to living marine resources, excluding from the coverage of the updated Guidelines uses such as artificial reefs for recreational purposes. However, it would not follow at all that such a placement is prohibited, as the expression “for a purpose other than the mere disposal” (Cf. Article 3.4(b) of the Dumping Protocol) provides a broader framework for action than the updated Guidelines.

Part B, Section 1, Requirements for Construction and Placement: Paragraph 13 of the updated Guidelines states that “artificial reefs should be built from inert materials” and that, for the purpose of the updated Guidelines, inert materials are “those which do not cause pollution through leaching, physical or chemical weathering and/or biological activity”. Paragraph 15 of the updated Guidelines dictates that “no materials should be used for the construction of artificial reefs which constitute wastes or other matter whose placement at sea is otherwise prohibited”.

Paragraphs 13 and 15 establish the criteria to fulfill by those materials to be used for building artificial reefs. Should such materials be considered as inert, i.e. chemically inactive, and not as wastes or other matter the dumping of which is prohibited, artificial reefs built with them would then be covered by the updated Guidelines.

It follows then that vessels could be only used as artificial reefs if they fulfilled the criteria of being inert and not being otherwise prohibited under the Dumping Protocol. The dumping of vessels is prohibited under Article 4 of the Dumping Protocol since 31 December 2000. In this context, it is worth highlighting once again, that the expression “for a purpose other than the mere disposal” (Cf. Article 3.4(b) of the Dumping Protocol) provides a broader framework for action than the updated Guidelines.

Concluding points

Under the Dumping Protocol the placement of matter is permitted once the activity, as well as the matter itself, meets the criteria established under Article 3.4(b). i.e. (1) the placement is for a purpose other than the mere disposal; and (2) it is not contrary to the aims of the Dumping Protocol.

Regarding vessels, the dumping of which is prohibited under Article 4 of the Dumping Protocol, at least after its entry into force, it could be argued that as long as the requirements established in Article 3.4 (b) are met, vessels could be placed in the Mediterranean Sea Area. It follows then that the placement in the Mediterranean Sea Area of vessels would not be dumping under Article 4 of the Dumping Protocol.

From that perspective, the use as artificial reef of vessels would fall under Article 3.4(b) of the Dumping Protocol, should the placement of vessels serve the legitimate purpose of an artificial reef.

Putting the updated Guidelines in the context of the Dumping Protocol, as already noted, Article 3.4(b) of the Dumping Protocol provides a broader framework for action than the updated Guidelines on Placement for Artificial Reefs.

The Guidelines dictate that no materials should be used for the construction of artificial reefs which constitute wastes or other matter whose placement at sea is otherwise prohibited (Paragraph 15). This requirement automatically rules out the possibility of using vessels as artificial reefs, and should be revisited to reflect the wording and spirit of Article 3.4(b) of the Dumping Protocol.

Under Article 3.4(b) of the Dumping Protocol, as long as vessels serve the legitimate purpose of an artificial reef, whether for the purpose of living marine resources or recreational, vessels so used would fall under the category of “placement” rather than “dumping”. The updated Guidelines should reflect that sentiment by referring to vessels hull and superstructure.

In this respect the proposed draft decision makes very clear that “placement activities must not be used to legitimize the dumping of waste or other matter that is prohibited under the 1995 Dumping Protocol”

In addition, the Contracting Parties may decide to consider removing the Part C of these Guidelines once the amendments to the Dumping Protocol enter into force.

The implementation of this decision is linked to Output 2.5.1 of the proposed Programme of Work. It has budgetary implications on MTF and external resources, reflected in the proposed budget. Every effort will be made to establish partnerships with the London Convention Secretariat in view of facilitating their implementation. The Secretariat has also envisaged a number of activities in the PoW 2018-2019, under output 2.5.1.

Draft Decision IG.23/13

Updated Guidelines on Placement for Artificial Reefs

The 20th Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols,

Having regard to the 1995 Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea, and in particular Article 3(4) (b) thereof, which excludes from the definition of dumping the placement of matter for a purpose other than mere disposal, provided that such placement is not contrary to the aims of the 1995 Dumping Protocol,

Recalling the 2005 Guidelines for the Placement at Sea of Matter for Purpose other than the Mere Disposal (Construction of Artificial Reefs), adopted by the 14th Meeting of the Contracting Parties (COP 14) (Portoroz, Slovenia, 8-11 November 2005), and acknowledging the progress achieved and lessons learnt in their implementation,

Recalling also Decision IG.22/20 of COP 19 (Athens, Greece, 9-12 February 2016), whereby the Meeting mandated the update of the 2005 Guidelines,

Recognizing the need to assess proposals for the placement of artificial reefs in the Mediterranean Sea Area on the basis of scientifically sound criteria as well as to develop an appropriate framework for the environmentally sound management of the placement of artificial reefs in the Mediterranean Sea Area,

Bearing in mind that placement of matter for a purpose other than the mere disposal in the Mediterranean Sea Area is not contrary to the aims of the 1995 Dumping Protocol, and that, in line with the object and purpose of the 1995 Dumping Protocol and of the Barcelona Convention, placement activities must not be used to legitimize the dumping of waste or other matter that is prohibited under the 1995 Dumping Protocol,

Bearing in mind also that, subject to the entry into force of the 1995 Dumping Protocol, the dumping of vessels in the Mediterranean Sea Area is prohibited since 31 December 2000, according to article 4(2) (c) of the Protocol,

Taking into account the most recent developments on placement of artificial reefs, in particular under the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and its Protocol,

Committed to further streamlining the MAP Ecological Objectives, in particular those related to pollution, litter, biodiversity and coast and hydrography and associated GES targets, as well as the relevant provisions of the Regional Plan on Marine Litter Management on the Mediterranean, in the scope of application of the 1995 Dumping Protocol,

Having considered the report of the Meeting of the MED POL Focal Points (Rome, Italy, 29-31 May 2017),

1. *Adopts the Updated Guidelines on Placement for Artificial Reefs, hereinafter referred to as the “Artificial Reefs Guidelines”, contained in the Annex to this Decision, which replace the 2005 Guidelines;*

2. *Requests the Contracting Parties to make every effort for their effective implementation;*

3. *Urges* the Contracting Parties to timely report on placement activities in the Mediterranean Sea Area using the online Barcelona Convention Reporting System (BCRS);

4. *Requests* the Secretariat to facilitate the work of the Contracting Parties for the implementation of the Artificial Reefs Guidelines, by further strengthening cooperation and synergies in this area with the London Convention and its Protocol and other relevant IMO instruments; and by sharing information with global and regional agreements and programmes on the achievements and progress of the MAP Barcelona Convention system in this area.

ANNEX

Updated Guidelines on Placement for Artificial Reefs

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List of Abbreviations / Acronyms

BEP	Best Environmental Practice
CFCs	Chlorofluorocarbons
CPs	Contracting Parties
COP	Conference of the Parties
FAO	Food and Agriculture Organization of the United Nations
GFCM	General Fisheries Commission for the Mediterranean
GES	Good Environmental Status
IMAP	Integrated Monitoring and Assessment Programme
IMO	International Maritime Organization
MAP	Mediterranean Action Plan
MED POL	Programme for the Assessment and Control of Marine Pollution in the Mediterranean Sea
OSPAR	Convention for the Protection of the Marine Environment of the North-East Atlantic
PCBs	Polychlorobiphenyls
RAC/SPA	Regional Activity Centre for Specially Protected Areas
SPAMIs	Specially Protected Areas of Mediterranean Importance
UNEP	United Nations Environment Programme
UNEP/MAP	United Nations Environment Programme/Mediterranean Action Plan

PART -A- REQUIREMENTS OF THE DUMPING PROTOCOL AND BARCELONA CONVENTION

1. Introduction

1. Under Article 4.1 of the Dumping Protocol, the dumping of wastes or other matter into the sea, with the exception of those listed in Article 4.2, is prohibited. Article 3(4b) of the amended Dumping Protocol excludes from the definition of “dumping” the placement of matter for a purpose other than the mere disposal provided that such placement is done in accordance with the relevant provisions of the Protocol.

2. In this regard the ‘relevant provisions of the Convention’ include the general obligations in Article 4, in particular the obligation that Contracting Parties shall, in accordance with the provisions of the Convention, take all possible steps to prevent and eliminate pollution and to protect the marine area against the adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected (Article. 4.2, 4.3). More specifically, the provisions of Article 5 of the Convention, requires that: “The Contracting Parties shall take all appropriate measures to prevent, abate and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area caused by dumping from ships and aircraft or incineration at sea”.

3. Moreover, and at the outset of the adoption of Ecosystem Approach for the conservation of the marine ecosystems of the Mediterranean Sea, the CP’s shall consider in their placement activities the Operational objectives and Good Environmental Status definitions relating to trace metals and selected organics, as included in the Decision IG.21/3, adopted by the COP18, in 2013.

4. Furthermore, in accordance with Article 6 of the Dumping Protocol, the permit referred to in Article 5 shall be issued only after careful consideration of the factors set forth in the Annex to the Dumping Protocol.

5. These updated Guidelines are prepared in pursuance to Article 3(4, b) of the amended Dumping Protocol of 1996. Their purpose is to assist Contracting Parties in:

- (a) Considering the consequences for the marine environment of the placement of artificial reefs on the seabed. Construction of artificial reefs is one example of ‘placement’ and the Guidelines that follow contain elements that are relevant for a wide range of other coastal and offshore developments that have potential to cause adverse effects in the marine environment and that, therefore, should fall under the control of appropriate national authorities.
- (b) Fulfilling their obligations relating to the issue of permits for the placement of matter
- (c) Transmitting to the Organization reliable data on the input of matter covered by the Dumping Protocol.

6. Data and information provided by national authorities, in the framework of reporting exercise to IMO and MAP based on the respective London and Barcelona Conventions, indicate that the placement of vessels is, besides dredging, one of the major dumping activities in the Mediterranean coastal zones. In addition, considering the scientific findings which indicate a number of drawbacks in the placement of matter, and specifically of vessels, for reefs development and the resulting risks for tourist and ecosystems purpose and working in the framework of precautionary principle, the basic concept of these updated Guidelines is to provide instructions on the placement of artificial reefs for ecosystems enhancement and recommendations to ensure the stability of barges, small fishing boats, tow and tug boats, small ferry boats etc. and, in general all vessels, under 30 m long which are placed at depth of less than 40 m, due to their possible human risks. These updated Guidelines provide as well ample information on placement of vessels in general, and clean-up procedures, which should be implemented before placement of all types of vessels to prevent pollution of the marine ecosystems

and to contribute in achieving/maintaining GES in line with the Ecological Objectives 1, 2, 6, 7, 8, 9, and 10 and related GES definitions and targets.

2. Scope

7. Artificial reefs are used in coastal waters in many regions of the world for a range of coastal management applications. The development of artificial reefs in the maritime area is growing. . Among the uses being examined by the scientific community are:

- (a) reduction of flooding and coastal erosion due to tidal waves;
- (b) providing sheltered anchorages for shipping and small boats;
- (c) development of habitat for crustaceans' fisheries (e.g. lobsters), particularly in conjunction with juvenile restocking;
- (d) providing substrate for algae or mollusc cultivation;
- (e) providing means of restricting fishing in areas where stocks or ecosystems are in need of protection;
- (f) creating fish aggregation areas for fisheries, sport anglers and diving;
- (g) replacing habitats in areas where particular substrates are under threat;
- (h) mitigation for habitat loss elsewhere (e.g. consequence of land reclamation);
- (i) production of marine resources.

3. Definitions and Purpose

8. An artificial reef is a submerged structure deliberately constructed or placed on the seabed to emulate some functions of a natural reef such as protecting, regenerating, concentrating, and/or enhancing populations of living marine resources.

9. Objectives of an artificial reef may also include the protection, restoration and regeneration of aquatic habitats, and the promotion of research, recreational opportunities, and educational use of the area.

10. The term does not include submerged structures deliberately placed to perform functions not related to those of a natural reef - such as breakwaters, mooring, cables, pipelines, marine research devices or platforms even if they incidentally imitate some functions of a natural reef.

11. These Guidelines address those structures specifically built for protecting, regenerating, concentrating and/or increasing the production of living marine resources, whether for fisheries or nature conservation. This includes the protection and regeneration of habitats.

12. Any authorization for the creation of an artificial reef should identify clearly the purposes for which it may be created.

PART-B- ASSESSMENT AND MANAGEMENT OF PLACEMENT OPERATIONS AT SEA

1. Requirements for Construction and Placement

1.1 Materials

13. Artificial reefs should be built from inert materials. For the purpose of these Guidelines, are considered those which do not cause pollution through leaching, physical or chemical weathering and/or biological activity. Physical or chemical weathering of structures may result in increased exposures for sensitive organisms to contaminants and lead to adverse environmental effects.

14. Materials used for the construction of permanent artificial reefs will of necessity be bulky in nature, for example geological material (i.e. rock), concrete or steel. Vessel structures could be placed, under the provisions of the Protocol, provided that the instructions of these updated Guidelines are properly implemented.

15. No materials should be used for the construction of artificial reefs which constitute wastes or other matter whose placement at sea is otherwise prohibited.¹

1.2 Design

16. Modules for artificial reefs are generally built on land unless they consist solely of natural materials placed in an unmodified form. The materials chosen for the construction of artificial reefs will need to be of sufficient engineering strength, both as individual units and as an overall structure to withstand the physical stresses of the marine environment and not break up, potentially causing serious interference problems over a wide area of the seabed. Artificial reefs must also be constructed and installed in such a way as to ensure that the structures are not displaced or overturned by force of towed gears, waves, currents or erosion processes for their objectives to be fulfilled at all times.

17. Artificial reefs should be designed and built in such a way that they could be removed, if required. The design of the artificial reef should strive to achieve its objectives with minimum occupation of space and interference with the marine ecosystems.

1.3 Placement

18. The placement of artificial reefs should be done with due regard to any legitimate activity underway or foreseen in the area of interest, such as navigation, tourism, recreation, fishing, aquaculture, nature conservation or coastal zone management.

19. Prior to placement of an artificial reef, all groups and individuals who may be affected or interested, should be informed on the characteristics of the artificial reef as well as on its location and depth of placement. They should be given the opportunity to make their views known in due time prior to its placement.

20. The location of a proposed artificial reef and the timing of its construction/placement should be carefully considered by the competent body at an early stage in the planning, especially with regard to:

- (a) distance to the nearest coastline;
- (b) coastal processes including sediment movement;
- (c) recreational areas and coastal amenities;
- (d) spawning and nursery areas;
- (e) known migration routes of fish or marine mammals;

¹ This provision provides a stricter framework for action than the Protocol

- (f) sport and commercial fishing areas;
- (g) areas of natural beauty or significance cultural, historical, or archaeological importance;
- (h) areas of scientific or biological importance (e.g. key habitats, SPAMIs, protected areas designated under Council Directive 92/43/EEC on the conservation of natural habitats and wild flora and fauna and Council Directive 79/409/EEC on the conservation of birds and under International Conventions or corresponding legislation of other Contracting Parties, Specially Protected Areas cover by the provisions of the Protocol concerning Specially Protected areas and Biological Diversity in the Mediterranean);
- (i) shipping lanes or anchorages;
- (j) designated marine placement sites;
- (k) old military exclusion zones, including closed dumpsites;
- (l) engineering uses of the seafloor (e.g. potential or ongoing seabed mining, seabed pipelines; undersea cables, desalination or energy conversion sites).
- (m) previous dumping sites in the area

21. While in many cases the aim should be to avoid conflict with the above interests, the management objectives for an artificial reef could be directed specifically at interference, such as discouraging the use of certain types of fishing gear. It will also be important to consider information on the following:

- (a) water depths (maximum, minimum, mean);
- (b) influence on stratification;
- (c) tidal period;
- (d) direction and velocity of residual currents;
- (e) wind and wave characteristics;
- (f) impact on coastal protection;
- (g) influence of the structure on local suspended solid concentrations.

22. The competent authority to issue the permit should ensure that the position surveyed, depth and dimensions of the artificial reef is indicated on nautical charts. In addition, the authority should ensure that advance notice is issued to advise mariners and hydrographic surveying services of the placement.

1.4 Assessment of potential effects-impact hypothesis

23. Assessment of potential effects should lead to a concise statement of the expected consequences on the marine environment, i.e., the "Impact Hypothesis". It provides a basis for deciding whether to approve or reject the proposed placement option and for defining environmental monitoring requirements.

24. The assessment for placement should integrate information on matter characteristics, conditions at the proposed placement-site(s), proposed placement techniques and specify the potential effects on human health, living resources, amenities and other legitimate uses of the sea. It should define the nature, temporal and spatial scales and duration of expected impacts based on reasonably conservative assumptions.

25. In constructing an impact hypothesis, particular attention should be given to, but not limited to, potential impacts on amenities, sensitive areas (e.g., spawning, nursery or feeding areas), habitat (e.g., biological, chemical and physical modification), migratory patterns and marketability of resources. Consideration should also be given to potential impacts on other uses of the sea including: fishing, navigation, engineering uses, areas of special concern and value, and traditional uses of the sea.

26. All matter may have a variety of physical, chemical and biological effects. Impact hypotheses cannot attempt to reflect them all. It must be recognized that even the most comprehensive impact hypothesis may not address all possible scenarios such as unanticipated impacts. It is therefore,

imperative that the monitoring programme be linked directly to the hypothesis and serve as a feedback mechanism to verify the predictions and review the adequacy of management measures applied to the placement operation and at the placement-site. It is important to identify the sources and consequences of uncertainty. The only effects requiring detailed consideration in this context are physical impacts on biota.

27. The expected consequences of placement should be described in terms of affected habitats, processes, species, communities and uses. The precise nature of the predicted effect (e.g., change, response, or interference) should be described. The effect should be quantified in sufficient detail so that there would be no doubt as to the variables to be measured during field monitoring. In the latter context, it would be essential to determine "where" and "when" the impacts can be expected. Emphasis should be placed on biological effects and habitat modification as well as physical and chemical change. The following factors should be addressed:

- (a) physical changes and physical effects on biota; and
- (b) effects on sediment transport.

28. Where the impact hypothesis indicates any transboundary impacts a consultation procedure should be initiated in accordance with Section 2.5.

1.5 Scientific Experiments

29. Trials involving smaller scale² placement for scientific purposes may be required before proceeding with a full scale deployment in order to evaluate the suitability of artificial reef and to assess the accuracy of the predictions of its impact on the local marine environment. As the use of artificial reefs develops, scientific experiments may be carried out. In these cases, full justification referred to under section 3 of Part A "Definitions and Purposes" may not be possible or necessary.

1.6 Management and Liabilities

30. Authorisations for constructing artificial reefs should:

- (a) specify the responsibility for carrying out any management measures and monitoring activities required and for publishing reports on the results of any such monitoring;
- (b) specify the owner of the artificial reef and the person liable for meeting claims for future damage caused by those structures and the arrangements under which such claims can be pursued against the person liable.

2. Requirements for the authorization of placement at sea of matter

2.1 Requirements for a permit application

31. Any application for a permit has to contain data and information specifying:

- (a) the purpose for the placement of the artificial reefs,
- (b) the impact hypothesis
- (c) the types, amounts and sources of the matter to be placed;
- (d) the design – which includes selecting appropriate materials and designing the detailed structure, based both on the purpose of the reef
- (d) the location of the placement site(s);
- (e) the history of previous placement operations and/or past activities with negative

² In the planning phase for a full scale artificial reefs scientists usually carry out small scale placement experiments before proceeding with a full scale deployment in order to evaluate the suitability of the artificial reef and to assess the accuracy of the impacts hypothesis on the local marine environment

- environmental impacts;
- (f) the method of placement; and
- (g) the proposed monitoring and reporting arrangements.

2.2 Criteria for the evaluation of a permit application

32. Artificial reefs should only be established if, after due consideration of all environmental costs and socio-economic aspects (e.g. undesirable impacts or alteration), a net benefit can be demonstrated, in relation to the defined objectives. In such assessment of potential effects (which may have to be a formal environmental impact assessment if major impacts cannot be ruled out) the following steps should be followed:

- (a) Studies should be carried out that yield the information required to assess:
 - i. Possible impacts of the installation of an artificial reef on the indigenous fauna and flora and the environment of the site and the wider surroundings;
 - ii. The benefits expected to be obtained from the installation of an artificial reef;
- (b) The best alternatives for the design and placement of the artificial reef should be identified. At this stage, the benefits of all options including that of no action should be assessed in relation to their environmental costs and socio-economic aspects ;
- (c) Before installing an artificial reef, baseline studies should be conducted to provide benchmark data for the subsequent monitoring of the effects of an artificial reef on the marine environment.

33. Where the comparative assessment reveals that adequate information is not available to determine the likely effects of the proposed placement option, including the potential long-term harmful consequences, then this option should not be considered further. In addition, where analysis of the comparative assessment shows that the placement option is less preferable than other option, a permit should not be issued for the placement.

34. Each assessment should conclude with a statement in support of a decision to either issue or refuse a permit for placement. Opportunities should be provided for public review and participation in the permit evaluation process.

2.3 Conditions for issuing a permit

35. A decision to issue a permit should be based on the elements provided by the preliminary survey. If the characterisation of these conditions is insufficient for the formulation of an impact hypothesis, additional information will be required before any final decision is made with regard to issuing a permit.

36. A decision to issue a permit should only be made where all the impact assessments are complete, taking into account the defined criteria, and where the monitoring requirements have been determined. The conditions set out in the permit should be such as to ensure, in so far as practicable, that environmental disturbance and detriment are minimized, and that benefits are maximized.

37. Regulators should strive at all times to enforce procedures which ensure that environmental changes are as far below the limits of allowable environmental change as practicable, taking into account technological capacities and economic, social and political considerations. The authority responsible for issuing the permit should take into consideration relevant research findings when specifying permit requirements.

2.4 Supplemental conditions for issuing a permit for an existing placement site

38. The issuing of a permit for placement at a site where past placement activities were carried out should be based on a comprehensive review of results and objectives of existing monitoring programmes. The review process provides an important feedback and informed decision-making regarding the impacts of further placement activities, and whether a permit may be issued for further placement on site. Furthermore, such a review will indicate whether the field-monitoring programme needs to be continued, revised or terminated.

2.5 Consultation procedure in case of transboundary impacts

39. With reference to Section 1.4 of Part B and in case the impacts hypothesis indicates any transboundary impacts a consultation procedure should be initiated at least 32 weeks before any planned date of a decision on that question by sending to the Secretariat a notification containing:

- (a) an assessment prepared in accordance with Part B to this Guidelines, including the summary in accordance with Part B of these Guidelines;
- (b) an explanation why the relevant Contracting Party considers that the requirements of Section 1.4 of Part B of these Guidelines may be satisfied;
- (c) any further information necessary to enable other Contracting Parties to consider the impacts and practical availability of options for re-use, recycling and placement.
- (d) MAP Secretariat shall immediately send copies of the notification to all Contracting Parties.

40. If a Contracting Party wishes to object to, or comment on, the issue of the permit, it shall inform the Contracting Party which is considering the issue of the permit not later than the end of 16 weeks from the date on which the MAP Secretariat circulated the notification to the Contracting Parties, and shall send a copy of the objection or comment to the MAP Secretariat. Any objection shall explain why the Contracting Party which is objecting considers that the case put forward fails to satisfy the requirements of Section 1.4 of Part B of these Guidelines. That explanation shall be supported by scientific and technical arguments. MAP Secretariat shall circulate any objection or comment to the other Contracting Parties.

41. Contracting Parties shall seek to resolve by mutual consultations any objections made under the previous paragraph. As soon as possible after such consultations, and in any event not later than the end of 22 weeks from the date on which the MAP Secretariat circulated the notification to the Contracting Parties, the Contracting Party proposing to issue the permit shall inform the MAP Secretariat of the outcome of the consultations. The MAP Secretariat shall forward the information immediately to all other Contracting Parties.

42. If such consultations do not resolve the objection, the Contracting Party which objected may, with the support of at least two other Contracting Parties, request the MAP Secretariat to arrange an ad hoc meeting as appropriate to discuss the objections raised. Such a request shall be made not later than the end of 24 weeks from the date on which the MAP Secretariat circulated the notification to the Contracting Parties.

43. The Secretariat shall arrange for such an ad hoc meeting to be held within 6 weeks of the request for it, unless the Contracting Party considering the issue of a permit agrees to an extension. The meeting shall be open to all Contracting Parties, the operator of the installation in question and all observers to MAP Secretariat. The meeting shall focus on the information provided in accordance with section 1 of Part B of these Guidelines.

44. The chairman of the meeting shall be MAP Coordinator or a person appointed by MAP Coordinator. Any question about the arrangements for the meeting shall be resolved by the chairman of the meeting.

45. The chairman of the meeting shall prepare a report of the views expressed at the meeting and any conclusions reached. That report shall be sent to all Contracting Parties within two weeks of the meeting.

46. The competent authority of the relevant Contracting Party may take a decision to issue a permit at any time after:

- (a) the end of 16 weeks from the date of dispatch of the copies under paragraph 39 (d) of the consultation procedure, if there are no objections at the end of that period;
- (b) the end of 22 weeks from the date of dispatch of the copies under paragraph 39 (d) of the consultation procedure, if any objections have been settled by mutual consultation;
- (c) the end of 24 weeks from the date of dispatch of the copies under paragraph 39 (d) of the consultation procedure, if there is no request for an ad hoc meeting;
- (d) receiving the report of the ad hoc meeting from the chairman of that meeting.

47. Before making a decision with regard to any permit, the competent authority of the relevant Contracting Party shall consider both the views and any conclusions recorded in the report of the ad hoc meeting, and any views expressed by Contracting Parties in the course of this procedure.

48. Copies of all the documents which are to be sent to all Contracting Parties in accordance with this procedure shall also be sent to those observers who have made a standing request for this to the Secretariat.

[PART-C- PLACEMENT OF VESSELS HULL AND SUPERSTRUCTURE³

49. [For the purpose of these updated Guidelines the term vessel applies to the vessel's hull, which is the main body of the vessel and its superstructure, which consists of parts of the vessel that project above her main deck.]

50. Placement of vessels should not be permitted by competent national authorities before securing that cleaning has been completed, in accordance with requirements under section 4 of the part C of these updated Guidelines.

51. Placement of vessels for the creation of artificial reefs is practiced by growing numbers of CPs in the Mediterranean region. This practice has, in principle, many ecosystems, economic and recreational benefits. Nevertheless, experiences from the Mediterranean region and other part of the world revealed several limitations and drawbacks which make vessels placement practices non beneficial to the marine ecosystems, the economy of coastal municipalities, maritime traffic and creating human health risks. Taking into consideration these facts, these updated Guidelines provide recommendations to the CPs to be consider by national relevant authorities before granting a vessel placement permit. It should be read in conjunction with the Art. 3(4b) of Dumping Protocol and offer guidance, based on observation and experience, on how to perform vessels placement. In this respect it is highly recommended to consider the provision of other relevant international Conventions (such as Hong Kong Convention, Basel Convention etc.).

1. Benefits

52. Benefits could be summarized, among others, as follows:

- (a) Vessels make interesting diving locations for both recreational divers and technical deep diving mixed-gas users. Vessels are also regularly utilized as angling sites by recreational fishermen and the charter fishing industry.
- (b) Vessels used as artificial reefs, can, alone, or in conjunction with other types of artificial reefs, generate reef-related economic contributions to coastal municipalities.
- (c) Steel-hulled vessels are considered durable artificial reef material when placed at depths and orientations that insure stability in major storm events. Large vessels have life spans as artificial reefs that may exceed 60 years, depending on vessel type, physical condition, location of deployment, and storm severity.
- (d) Reuse of large steel-hulled vessels as artificial reefs may be more economical than scrapping the vessels domestically.
- (e) Vessels, due to high vertical profile, attract both pelagic and demersal fishes. Vertical surfaces produce upwelling conditions, current shadows, and other current speed and direction alterations that are attractive to schooling forage fishes, which in turn attract species of commercial and recreational importance, resulting in increased catch rates for fishermen.

³ Pending submission of the legal advice by the Secretariat to the meeting of MAP Focal Points with the view to ensure that the placement of vessel hulls and superstructures for the purpose of artificial reefs is not in contravention with Article 4 of the Dumping Protocol which prohibits the dumping of ships in the Mediterranean Sea area since 2000.

- (f) Vessels, like other artificial reef material, can augment benthic structure which locally increases shelter opportunities and reef fish carrying capacity in locations where natural structure is sparse, or create structure which is more preferable or attractive to certain fish species than locally less complex hard bottom.
- (g) Steel-hulled vessel reefs that are not well publicized, located far offshore, or otherwise difficult to access for fishing and diving because of depth and currents may, if properly sited, provide important refuge for reef fish species. Such vessels can provide important aggregation, shelter, and residence sites for reef fish species that have been traditionally over-fished.
- (h) Vessels under certain conditions may provide habitat for spawning aggregations of some managed reef fishes.
- (i) Vessels may provide extensive surface area for epibenthic colonization. This colonization results in the enhancement of lower trophic level biomass at the vessel site.
- (j) Under some circumstances, depending on location and season, some vessels may hold greater abundances and higher biomass of fish species, including some recreationally important species (i.e. snappers), than nearby natural reefs.
- (k) Vessels may reduce anchor damage and other physical damage by directing a proportion of the reef users away from nearby natural reefs. Similarly, vessels provide diving alternatives to natural reef sites where physical damage to natural reefs through anchor damage, grounding, handling, crawling on, specimen collecting, and spear fishing have accelerated deterioration of natural reefs and their associated fauna.

2. Limitations and drawbacks

53. The literature highlighted number of limitations and drawbacks related to placement of vessels for artificial reefs:

- (a) Vessels were originally designed and utilized for purposes other than artificial reef construction. They can be contaminated with pollutants, including: PCBs, radioactive control dials, petroleum products, lead, mercury, zinc, and asbestos. Hazardous wastes and other pollutants are difficult and expensive to remove from ships. Hazardous material itself, once removed must be disposed of under proper Guidelines without any damage to the environment.
- (b) Damage to private and public property during cleaning operations or subsequent towing, vessels sinking outside of the designated site creating hazards to navigation, and ships damaging natural habitats due to improper deployment or subsequent movement.
- (c) Vessel stability during storms is variable. Vessels placed in shallow depths (less than 50 m) are more susceptible to movement during major storm events than vessels placed at greater depths and local oceanographic characteristics should be taken into account.
- (d) Damage to the structural integrity of vessels sunk as artificial reefs can also occur from storms. However, it should be noted that natural reefs, and some other less durable types of artificial reef structures have also experienced storm damage. Some vessels that may resist significant hull movement in a storm can still experience substantial structural damage. Loss of structural integrity can increase hazards to divers on artificial reefs by creating a disorienting environment or increasing potential

for snagging equipment or for physical injury from jagged metal, etc.

- (e) Removal of hazardous materials, pollutants, and other material not authorized for artificial reef disposal under the permit requires additional expense, time, and in some cases special equipment and expertise. The cost to safely place a vessel in the sea as an artificial reef increases as the size of the vessel, number of compartments, void spaces, and overall complexity increase.
- (f) Vessels typically provide proportionately less shelter for demersal fishes and invertebrates than other materials of comparable total volume. This is because the large hull and deck surfaces provide few, if any, holes and crevices. This lack of shelter from predation greatly reduces the usefulness of a ship as nursery for the production of fishes and invertebrates. Also, while a high vertical profile can be attractive to pelagic fish species, unless a vessel hull is extensively modified to allow for access, water circulation and light penetration, most of the interior of the vessel is not utilized by marine fishes and macro invertebrates.
- (g) Use of vessels for artificial reef can result in conflicts between divers and fishermen and any other legitimate use of the sea. Although such conflicts can occur on natural reefs, there is often preferential use of vessels by divers resulting in domination of some vessel reef sites by diving user groups. This is particularly true in areas with large tourist and resident diving populations that are selectively attracted to vessels sunk in shallow, clear and warm water environments.
- (h) The surface of a steel hull is a less ideal surface for colonization by epibenthos than rocks or concrete. Sloughing of steel, due to corrosion, results in loss of epibenthic animals.
- (i) The placement of vessels has an impact on the integrity of seabed, during the placement operations and their movement during storms.

3. Recommendations and Considerations

54. On the basis of the benefits, limitations and drawbacks it is highly advisable to:

- (a) The applicant for a vessel placement should ensure the stability of barges, small fishing boats, tow and tug boats, small ferry boats etc. and, in general all vessels under 30 m long which are placed at depth of less than 40 m due to their possible human risks.
- (b) Recommend a buffer zone of about 450 m between any natural hard and soft bottom occupied by protected species or habitats and vessels deployed as artificial reef material in depths less than 50 m. This safety buffer is based upon documented movement of vessels, or parts thereof, in storm events. At depths below 50 m but less than 100 m, a buffer distance of a least 100 m is recommended. For the purposes of these Guidelines, hard bottom includes living natural reefs such as coral reefs, oyster reefs, worm reefs, and areas of naturally occurring hard bottom or rocky outcrops to which are attached well developed varying biological assemblages such as perennial algal species, and/or such invertebrates as sea fans, bryozoans, sea whips, hydroids, ascidians, sponges, or corals.
- (c) Literature and regional experiences have demonstrated that it is possible to have a viable artificial reef program without vessels. It is important for managers to assess their objectives when securing a vessel, since cleaning and towing costs, especially when transboundary transport is involved, can be prohibitive.
- (d) With the rapid increase in recreational sport diving activities in some areas, ship

- deployment in certain areas may have greater value to the diving industry than to the recreational hook and- line fishery. Vessels deployed in shallow water (18-30 m) are especially attractive to recreational SCUBA divers. If the funding source is fishing license revenues, and the site is dominated by divers, this issue should be considered.
- (e) If the intent of developing an artificial reef is to provide recreational fishing opportunities with some level of fishing success, while at the same time avoiding user conflict, the combined effect of spear fishing and hook-and-line harvest and liability associated with diver accidents during wreck diving, may lead to a recommendation to sink vessels at greater depths (40 to 100 m).
 - (f) Consider using only those steel hulled vessels which are designed for operating in heavy sea conditions, such as sea tugs, oil rig re-supply vessels, trawlers, and small freighters, which are all structurally sound, the focus should be on structural and habitat complexity of vessels, rather than strictly vertical height or sheer overall length.
 - (g) Some contractors or other organizations tasked with cleaning vessels, or their hired laborers and volunteers have historically not always followed proper hazardous materials and other waste handling and disposal, and/or clean up instructions, including in these updated Guidelines, due to lack of expertise or training, inadequate facilities, equipment and manpower, desire to reduce project time and expenses, or insufficient guidance or oversight provided by the contract or project manager, and focus on removal of salvageable material to the detriment of meeting other cleaning and preparation objectives.
 - (h) All petroleum products, both liquid and semi-solid must be removed from tanks on ships with follow-up inspection. It is not sufficient to draw the tanks down and then weld the hatch closed. Experience has demonstrated that corrosion of the metal of the ship will eventually release residual fuel into the environment and that relatively small quantities can trigger regulatory and public relations consequences.
 - (i) Resistance to a 20-year storm event is a minimum acceptable level of stability. For vessels deployed within approximately 900 m of natural coral reefs, well developed hard bottom communities, or oil and gas infrastructures recommend that the vessel stability requirement at the depth placed increase to resistance to movement in a 50-year storm event.
 - (j) Avoid the use of explosives to the extent possible in sinking vessels under 45m in length where alternate sinking methods (opening sea cocks, flooding with pumps, opening up temporarily sealed pre-cut holes, etc.) are feasible. If explosives must be used for sinking larger vessels with many watertight compartments, there should be careful placement by experts of the minimal amount of structural cutting explosives necessary to sink the vessel safely and efficiently. The minimization of vessel damage and the avoidance of harm to marine life are important vessel sinking objectives. Potential impacts to marine mammals, turtles, and fishes should be considered
 - (k) It is important to develop and implement cleaning standards for pollutants known to occur on ships; require testing for PCBs on boats and ships constructed prior to 1975 (when PCB manufacture ended); require an asbestos inspection. Identified asbestos that is secured or encased may be left undisturbed, and in place prior to sinking.
 - (l) Liability issues must be recognized and addressed by permittees who are required to provide long-term responsibility for materials on their permitted artificial reef sites, including ships. Demonstration of this responsibility could include liability insurance, posting a bond or other indemnifying instrument to ensure resolution of liability

issues associated with the towing, cleaning and sinking of ships on state submerged lands. This liability includes damages caused by movement of the materials during storm events.

- (m) All constraints that may be placed on sinking a ship (i.e. minimum depth, distance from shore, complexity of vessel that may require additional technical assistance, stability requirements, vessel orientation, cost, time involved in project, etc.) should be reassessed, in order to decide early on whether one or more of these constraints will result in a final outcome that will not be successful in achieving the project's objectives.
- (n) It is recommended to establish a national coordinated reefing plan. Prior to the release of any ships under such a program, the national authority should be encouraged to the maximum extent possible to take all necessary steps to ensure the funding of the cleaning, preparation, towing and sinking of vessels in their entirety as a turnkey project, at a location selected by the state reef program designated to obtain the vessel.

4. Vessels Clean up

55. Suggestions for planning work:

a) Gather Information About the Vessel, ship and Boat

56. Several parts of these Guidelines require that information concerning the vessel, ship and boat be provided to the Designated Authority. If this information is not available, the clean-up organization or the permit applicant will have to develop some or all of the information, which typically come at a significant cost. As a condition of purchase of the vessel, ship and boat, permit applicants should collect from the owner of the vessel, ship and boat the following information and certificates (issued by competent authorities):

- (a) asbestos certificates, indicating that the vessel, ship and boat is asbestos-free, or detailing the location of asbestos remaining in the vessel, ship and boat;
- (b) PCB certificates, indicating that the vessel, ship and boat is PCB-free, or detailing the location of PCBs remaining in the vessel, ship and boat;
- (c) for warships and naval auxiliaries, an "ammunition-free" certificate issued by defense authorities;
- (d) for warships, naval auxiliaries, vessel, ship and boats that have been engaged as research ships, and other vessel, ship and boats that may have carried radioactive materials, a radiation inspection certificate;
- (e) a certificate that refrigerants and halons have been removed from shipboard systems;
- (f) other certificates relating to removal/addition of equipment, components or products;
- (g) information on hazardous materials left in the vessel, ship and boat;
- (h) information on exterior hull paint including paint type, detailed technical information on the paint, and date of application;
- (i) information on machinery, compartment and tank layout, ideally in the form of a general arrangement drawing or firefighting compartment diagram;
- (j) information on the fuels carried and used by the vessel ship and boat;

b) Develop a Work Plan to Reduce Costs

57. The two main operations (salvage and clean-up) will typically overlap and may proceed in parallel in different sections of the vessel, ship and boat. Experience has shown that it is critical, from an economic perspective, to have a comprehensive plan detailing the activities to be undertaken. Failure to develop and use a plan has in the past, led to several repetitions of the same cleaning operations, or inability to salvage certain components due to access issues or lack of time. As funding for projects is usually finite, it is important for the viability of the project that efforts are not being wasted or opportunities missed to generate funds through salvage. The Designated Authority will not weaken the requirements as set forth in the Guidelines because the applicant or clean-up contractor has not adequately organized the work. Salvage and clean-up operations that could be considered a success from an economic as well as environmental perspective have required an extensive planning effort.

58. In general terms, salvage operations should come first, aiming to minimize debris and contamination with oils or other products that will have to be cleaned-up at a later stage. Experience indicates that a close link is required between the salvage and clean-up effort. Previous salvage operations that have not considered subsequent clean-up operations have resulted in massive cleaning requirements.

59. Clean-up would typically be the last operation in the continuum of activity. In any given section, clean-up would normally start at the highest part of the compartment or tank and proceed downwards to the bilge.

60. The following general principles have been developed from previous efforts:

- (a) deal with the large concentrations of oil and hazardous products early in the operation;
- (b) keep compartments clean and make concerted efforts to avoid spillage during salvage and clean-up;
- (c) consider removing, instead of cleaning, heavily contaminated machinery and piping;
- (d) removal is typically far quicker and allows for less overall effort in clean-up as access is improved and ongoing contamination from drips and seepage is minimized;
- (e) maintain a strong project management presence at the site.

c) Maintain Security During Clean-up

61. Security of the vessel, ship and boat and the surrounding site should be addressed in the clean-up and salvage plan. Experience indicates that security issues are not static and need constant attention over the life of the project. However, to assist applicants and ensure the safety, it is recommended that the following issues be addressed:

- (a) public safety: Vessel, ship and boat undergoing salvage operations are dangerous sites. The public must be prevented from accidentally or casually accessing the interior of the vessel, ship and boat and the clean-up site.
- (b) salvage security: This is closely linked to the public safety issue. Inevitably, some members of the public will actively seek to gain illegal entrance to the site and vessel, ship and boat. This security issue requires constant vigilance and repeated assessment.
- (c) -liability insurance should also be considered
- (d) -environmental liability: Some of the material removed from the vessel, ship and boat could become a significant environmental liability if it were to be mishandled, disturbed or spilled. Material should not be allowed to accumulate at the site.

Personnel involved in clean-up and salvage operations must be aware of environmental due diligence responsibilities.

- (e) It is highly recommended that a secure lock-up (for tools, valuable salvage items, items that are potentially hazardous, etc.) be made available.

d) Prepare for Inspections

62. Under normal circumstances the responsible of the Designated Authority will require a minimum of three weeks' notice to arrange an inspection. It is expected that two inspections will be conducted, with all deficiencies being corrected for the second and final inspection. If subsequent inspections are required these will likely involve further expenses being charged directly to the permit applicant.

63. The inspection team will consist of the responsible of the Designated Authority, plus any necessary specialist support staff. The permit applicant should ensure that the senior personnel from the clean-up team, and the salvage team, if it is a different organization, are onsite for the inspection(s). These personnel should accompany the Designated Authority during the inspection to allow full insight into any findings. The Designated Authority may, but is not obliged to, make suggestions concerning the clean-up effort. Where it is possible to correct minor findings during the course of the inspection, the Designated Authority may, if time allows, re-inspect the particular finding.

64. Special attention needs to be given to questions of access and personnel safety. The Designated Authority needs to inspect every part of the vessel, ship and boat without incurring undue personal risk.

e) General notes on salvage and recycling

65. A notable portion of most vessel, ship and boats is normally economically salvageable. Items that have been salvaged and sold intact in previous clean-up and salvage projects include diesel generators and associated equipment, various types of lockers, anchors and chain, watertight hatches and doors, furniture, and certain galley equipment. Valves, especially those of large diameter, are a further potential source of revenue. Depending on the rated voltage and frequency employed in the vessel, ship and boat, motors may be a further source of revenue. The difference between "used" value and scrap value can be significant. Salvage and clean-up contractors are encouraged to actively seek markets for used equipment and outfit items.

66. Equipment that has no current market may still have scrap value based on the raw material. Commonly found metals that are salvageable include:

- (a) Bronze: This metal is typically cast, and is found in propellers, valve bodies, cooler bodies, and various machinery castings.
- (b) Brass: Brass is typically found in machined form. Items likely to be found in a vessel, ship and boat include tube plates in coolers, small valves, decorative fittings, flush-deck covers for valves, and various machinery components.
- (c) Copper-nickel: Copper-nickel is used extensively in seawater piping systems, and is commonly used as tubing material in coolers and condensers. Both 90-10 (most common) and 70-30 grades have been in use in the marine industry.
- (d) Aluminum: Most aluminum is in sheet, plate or stiffener form. It may be found in a wide variety of outfit items including lockers, desks, bunks and shelving. Structural

aluminum has been used in some vessel, ship and boats to minimize top weight, and is commonly found in masts and deck-houses.

- (e) Copper: Copper is found in electrical cables, small diameter tubing (pressure gauges), motors, generators, and miscellaneous electrical fittings. Copper salvage is generally a break-even process in economic terms.
- (f) Stainless Steel: Stainless steel is most commonly employed in sheet or plate form and is found in food preparation and serving areas, medical facilities, upper deck lockers, and some exterior fittings.

Although steel is not generally economical to salvage, in many instances it will be cheaper and more effective overall to remove and recycle steel piping and equipment. This is a particularly effective strategy where the effort to clean the material in-situ is significant, or the material would cause access problems for the clean-up effort.

f) General notes on personnel safety during clean-up and inspections

67. Clean-up and salvage contractors are advised that their activities in the vessel, ship and boat and at the surrounding site will be subject to national requirements.

g) Notes on vessel, ship and boat stability during clean-up and transits

68. Operations associated with salvage, clean up and diver access have the potential to adversely impact vessel, ship and boat stability. This can be an important issue, especially if the vessel, ship and boat have to be moved to its sinking location. Failure to consider intact and damaged stability during operations could result in premature and uncontrolled capsizing and/or sinking of the vessel, ship and boat. This situation is entirely preventable.

69. Organizations embarking on SCUBA diving attraction projects are advised to obtain the services of a naval architect who is provincially registered to practice as a Professional Engineer, to review salvage plans and serve as a stability consultant.

70. Issues that need to be considered during the planning phase include, inter alia:

- (a) Weight Removal: Weight removal will impact on the center of gravity, and hence the stability, of the vessel, ship and boat. In general terms, weight removed low in the ship (ballast bars, bilge piping, etc.) has an adverse impact on stability while weight removed high in the ship has a positive impact on stability.
- (b) Hull Openings: Hull openings are often required for salvage efforts but they do present a risk of flooding. Hull openings should be well above the water line. Permit applicants must consider carefully hull breaches, especially if the vessel, ship and boat must be moved after hull openings are made.
- (c) Natural roll, list, loll, and the possibility of encountering higher sea states must be borne in mind by the permit applicant.
- (d) Watertight Integrity: Internal watertight integrity may not be at initial design Guidelines at the time of vessel, ship and boat disposal and is often further compromised by salvage activity.
- (e) Free Surface Effects: Free surface may be an issue if fluids are allowed to accumulate in bilges, or if tanks are kept in a partially full condition. Stability of the vessel, ship and boat should be considered as an integral part of the salvage and clean-up plan. The permit applicant must continuously be aware of vessel, ship and boat stability conditions and be prepared to take action to improve vessel, ship and boat stability when required

h) Tank cleaning

71. Here are several accepted and widely used methods to clean fuel and oil tanks. The best method to use will depend on the type of hydrocarbon in the tank, the amount of residue in the tank, and the extent of any hard or persistent deposits and residues. In general, lower quality fuels will require more cleaning effort. Similarly, tanks for dirty or water-contaminated oils will require more cleaning effort.

72. When cleaning tanks, the factors that need to be considered are the Guidelines requirements, the machinery and resources available, and the method or facilities available to deal with cleaning residues. It may be necessary to experiment with several cleaning methods to find one that will work in the particular circumstances. Where cleaning is expected to be complex or difficult the permit applicant should consider securing the services of a professional tank cleaning contractor. Options for cleaning tanks include, inter alia:

(a) mechanical cleaning

73. Mechanical cleaning involves mechanical removal of sludge and remaining fluids and wiping down all surfaces with oil absorbent material. Although costly in terms of manpower, it does limit the spread of contamination and minimize production of fluids which are expensive to dispose of.

(b) steam or hot water washing:

74. This method is quite effective, although it requires special equipment and generates large volumes of oily water. If this method is contemplated, the organization should have a plan to deal with the oily water that complies with local regulations and the National Shipping Act. Surfactants (or soaps) are not recommended, as they tend to emulsify any oil present and make the oily water exceptionally difficult to treat. This would likely drive disposal costs higher than necessary. In tanks where deck heads and sides are reasonably free of contamination, pressure washing can cause significant contamination of these otherwise clean surfaces through splashing, misting, and carry-over.

(c) solvent washing

75. Solvent washing may be an option where exceptionally tenacious deposits or films are encountered. Note that the used solvent will require subsequent removal and all of the liquid product generated will require special handling and disposal. In isolated cases, especially where low grade fuels have been stored, it may be necessary to resort to more advanced tank cleaning methods such as ultrasonic or special solvents.

76. It may be advantageous to employ all three methods in any given vessel, ship and boat, depending on the nature and location of the contamination. In general, mechanical cleaning would be the first method to try, followed by steam/hot water washing, then solvent washing in exceptionally difficult cleaning situations.

77. Whichever method is employed, the effluent and waste must be collected and treated. Large volumes will require the services of a pumper truck while smaller quantities may be handled in barrels. Care must be exercised in transfer operations to avoid spills. If large quantities of oil or oil-contaminated liquids are to be transferred the use of a boom around the vessel, ship and boat should be considered.

i) Cleaning compartments with bilges

78. Cleaning bilges is frequently complicated by poor access caused by piping, gratings, and equipment. During the planning phase the clean-up contractor should consider the access issue carefully. In many cases it is cheaper and easier to remove interference items (especially when they themselves are dirty or contaminated) than it is to attempt to clean the items and the adjacent bilge.

79. Bilges, once clean, are very vulnerable to recontamination. Contractors should be aware of the following types of situations which have given rise to problems in the past:

- (a) Piping, valves and fittings in hydrocarbon systems will continue to weep for some time after initial draining. These drips can -over a quite short period of time- lead to a significant rework effort. Drips should be captured whenever possible;
- (b) Containers used for clean-up are vulnerable to tipping, especially in the uncertain footing and poor lighting conditions often found in vessel, ship and boats undergoing sinking preparation. Buckets should be removed as they are used, or if they are employed for catching drips, emptied regularly;
- (c) Water should not be allowed to enter bilges unless it is part of a planned clean-up campaign. Water generally complicates clean-up of bilges as the water must be handled as oily wastewater. In general, the approach and methods for cleaning bilges is the same as for cleaning tanks.

j) Dealing with piping and fittings

80. Contractors should identify those pipes and fittings that contain fuels, oils and oily water as part of the planning activity. If ship's drawings are not available, it will be necessary to develop this information on site. Authority will generally assume that piping has contained hydrocarbons unless the piping is clearly identified as being part of a non-hydrocarbon system, or there is clear evidence to indicate that the piping was not part of a hydrocarbon system (e.g. sea water piping to coolers, fresh water piping to domestic spaces). As per the Guidelines, piping in the bilge will be assumed to be contaminated with oil until proven clean.

k) Cleaning fitted machinery

81. Cleaning fitted machinery is a lengthy and difficult process. Whenever possible, fitted machinery should be sold into the used machinery market or removed for recycling.

82. The general approach to cleaning diesel engines/generators, gearboxes, compressors, etc. is similar. The clean-up plan should identify the fluids and other contaminants in the machine to be removed. Care should be exercised to capture fluids to avoid further clean-up effort. Fluid types should not be mixed, as this may increase disposal costs. Large reservoirs of fluids should be drained first, followed by smaller accumulations in machinery housings, piping, and fittings. The force of gravity will assist in collecting the fluids over a period of time, and the clean-up plan should allow for an adequate drainage period. The precise period required will vary with internal machinery clearances, length and size of piping, fluid viscosity and temperature. As weeping of oils and fuels will continue for several days or weeks, clean-up plans should recognize the requirement to catch the seepage during this period so as to minimize collateral contamination of bilges, decks, piping bundles, etc. General guidance for specific equipment follows.

l) Combustion Engines

83. External Oil System: Drain the sump. Identify all external oil lines, coolers and other fittings. Open and drain these items. After draining, consideration should be given to removing these items from the vessel, ship and boat to prevent oil weeping from connections. Remove all oil filter and strainer elements, pressure gauges and gauge lines.

84. Fuel System: Remove fuel injectors. Identify all external fuel pressure lines, return lines and fittings. Open and drain these items. After draining, consideration should be given to removing these items from the vessel, ship and boat to prevent fuel weeping from connections. Remove all fuel filters and strainers, pressure gauges and gauge lines. Open and drain any governors.

85. Engine Internals: Open all explosion doors, hand-hole doors, maintenance access panels, etc. On some engines it may be desirable to cut further access openings. Remove heads and clean thoroughly, or drain and remove from vessel, ship and boat—note that heads may have salvage value depending on engine type and condition. Open all internal oil lines and galleries. Remove oil pump or open it and clean it for inspection. Open bearing pedestals and clean. Open turbo charger or supercharger bearings. At this point it is generally desirable to cut open the main oil sump for better access. Wipe out internal surfaces of engine. Persistent weeping indicates an oil or fuel accumulation that requires investigation.

86. Cooling System: Drain all treated water.

m) gearboxes

87. Gearboxes may be stand-alone items of equipment or integrated into a piece of machinery. The feature in common is a lubricating oil system. Treat initially as for “external oil system” covered under combustion engines. Open all covers and access panels. In most cases it will be necessary to cut further access holes to allow for the interior of the gearbox to be adequately cleaned. Open all internal oil lines. Open bearing pedestals (especially those in a horizontal plane) if there are oil accumulation pockets. The Designated Authority will need to see at least one bearing open to assess construction. Remove or drain gearing sprayers. Wipe down all surfaces.

n) other Machinery

88. Other machinery, often termed *auxiliary machinery*, can be considered in two broad classifications for clean-up purposes. The first group is machinery that does not employ oil lubrication, and does not contain grease other than within sealed rolling element bearings. These machines do not generally require hydrocarbon clean-up unless they were employed pumping fuel or oil, or have large grease reservoirs. Typical pieces of machinery that would usually not require clean-up include small water pumps and ventilation fans.

89. The second broad classification of machinery is equipment that utilizes lubricating oil, or contains greases outside of sealed bearings. While auxiliary machinery (air compressors, refrigerant compressors, circulating pumps, steam turbines, etc.) varies considerably in purpose and construction detail, the individual pieces can be dealt with in a similar manner during clean-up. Any working fluids that are hydrocarbon-based or otherwise hazardous (e.g. CFCs) should be removed first, and the pump-end left open. Fitted lubricating oil systems should be cleaned as noted under the heading “external oil system” in the combustion engine section. If a gearbox is fitted, it should be treated as for the section on gearboxes.

90. Experience indicates that oil sumps in small pieces of machinery will almost always need to be cut open to allow adequate access for cleaning. Wipe down all internal oiled surfaces.

Grease packed couplings, stuffing boxes, chain sprockets, worm drives, etc. must generally be opened, unless they meet the restrictive “small quantities” exemption in the Guidelines.

91. The grease is usually best removed by mechanical means, although in some cases of very limited access (such as gun rings), it may be necessary to resort to steam or solvent washing.

92. Basic knowledge of machines and an understanding of the purpose of the specific equipment typically allow the clean-up effort to proceed more efficiently.

o) Suggestions on handling debris

93. Salvage and clean-up operations will generate a large quantity of material that needs to be removed from the vessel, ship and boat.

p) Salvage

94. The salvage and clean-up plan must address separating various types of salvage and debris. Care should be exercised in separating metals for recycling, as contamination with other metals, or with debris, will significantly lower the salvage value. Bins may be considered for salvage materials but access should be controlled. Material that is placed in salvage bins should be clean and free of oils or other products. Failure to observe this guideline may lead to difficulties with control of contaminated run-off at the site.

q) waste and debris

95. Hazardous material must be carefully segregated from the normal waste stream to avoid contaminating the normal stream, thus incurring large costs to dispose of the whole amount as hazardous material.

96. Liquid waste presents special handling problems for clean-up crews. Recovered oils and fuels may be employed for site or vessel, ship and boat heating purposes if suitable, but other liquids will typically need to be processed through licensed hazardous waste contractors. To keep disposal costs in check, waste liquids should not be mixed and containers should be labelled with all available information on the product. Liquid storage and movement around the site must be tightly controlled. Spills will generate significant clean-up costs. Control of run-off from temporary storage sites is an issue and must be addressed in the clean-up plan. A covered area with an impermeable floor and berm is highly recommended and may be required by local authorities.

97. Solid waste requirements vary by province and sometimes by municipality. Local requirements and restrictions must be determined during the planning phase. Items that should be addressed include disposal of used oil absorbent materials, non-asbestos insulation, wallboard, tile, linoleum and underlayment, carpet, and furniture.

98. An area will need to be set aside for oil and fuel pipes, fittings, etc. to drain. This must be done in a covered area and is often best accomplished in a compartment in the vessel, ship and boat set aside for this purpose.]

PART –D- MONITORING OPERATIONS FOR PLACEMENT AT SEA OF MATTER FOR A PURPOSE OTHER THAN MERE DISPOSAL

1. Definition

99. For the purposes of assessing and regulating the environmental impacts of placement operations, monitoring is defined as the repeated measurement of an effect, whether direct or indirect, on the marine environment and/or of interferences with other legitimate uses of the sea.

100. The monitoring programme should also be aimed at establishing and assessing the environmental impacts and/or conflicts of the artificial reef with other legitimate uses of the maritime area or parts thereof. Depending on the outcome of such monitoring, it may be necessary to carry out alterations to the structure or to consider its removal. In the case of placements taking extended periods of time (years), monitoring should be concurrent with the construction in order to influence modification of the reef, as required.

2. Objectives

101. In order to carry out the monitoring programme in a resource-effective manner, it is essential for the objectives of the programme to be clearly defined. The monitoring observations required at a placement site tends to fall into two basic categories:

- (a) pre- placement investigations designed to assist in the selection of the site or to confirm that the selected site is suitable; and
- (b) post-placement studies intended to verify that: the permit conditions have been met; this process is referred to as compliance monitoring; and, the assumptions made during the permit issuing and site selection processes were valid and adequate to prevent adverse human health and environmental effects as a consequence of placement; this process is referred to as field monitoring, with the results of such reviews providing the basis for modifying the criteria for issuing a new permit for future placement operations at existing and proposed placement sites.

102. Whenever possible, the monitoring programme should be aligned with the current MEDPOL monitoring programmes for the Ecological Objectives 1, 2, 5, 6, 7, 8, 9, and 10 in line with the Integrated Monitoring and Assessment Programme (IMAP) of the Mediterranean Sea and Coast and Related Assessment Criteria set out in Decision IG. 22/7 of the COP 19.

3. Quality control

103. Quality control is defined as the operational techniques and activities that are used to fulfil requirements relating to quality. These include monitoring criteria and Guidelines, sampling methods, sample locations and frequency, and reporting procedures.

104. Before any monitoring programme is developed and implemented, the following quality control issues have to be addressed:

- (a) What testable hypotheses can be derived from the impact hypothesis?
- (b) What exactly should be measured?
- (c) What is the purpose of monitoring a particular variable or physical, chemical or biological effect?
- (d) In what compartment and at which locations can measurements be made most effectively?

- (e) For how long should the measurements be carried out to meet the defined aim?
- (f) With what frequency should measurements be carried out?
- (g) What should be the temporal and spatial scale of the measurements made to test the impact hypothesis?
- (h) How should the data from the monitoring programme be managed and interpreted?

105. Monitoring observations are typically concerned with the physical, chemical and biological characteristics of the placement site.

- (a) Physical observations consist of hydrological surveys of water mass properties, such as temperature, salinity and density, over the entire water column and extending horizontally over the entire region likely to be affected by the placement of matter.
- (b) Chemical observations conducted in and around the placement site need to be related to the type of matter involved. Generally, where it is not possible to remove all potentially contaminating material before placement and where chemical effects may therefore be expected, proper analyses need to be carried out of the surface microlayer of sea, which constitutes an extremely active biological zone in which a wide range of chemicals, such as heavy metals and oil soluble substances, tend to accumulate. Chemical observations also need to be conducted on sea where substances, although not present in the matter placed in major quantities or concentrations may, because of their persistent nature, accumulate either on the seabed or in benthic communities in the vicinity of the placement site.
- (c) The frequency of biological observations should depend on the scale of the placement operation and the degree of risk to potential resources. Where physical effects on the seabed are expected, it may be necessary to conduct an assessment of the phytoplankton and zooplankton biomass and productivity prior to placement to establish a general picture of the area. Observations of the plankton immediately following placement can help to determine whether acute effects are occurring. Monitoring of the benthic and epibenthic flora and fauna is likely to be more informative because they tend to be subjected not only to the influence of the overlying water column and any changes that occur in it.

106. Post-placement monitoring should be designed to determine:

- (a) Whether the impact zone differs from the zone predicted; and
- (b) Whether the extent of changes outside the impact zone differs from those predicted.

107. The former can be ascertained by designing a sequence of measurements in space and time with a view to ensuring that the projected spatial scale of change is not exceeded. The latter can be shown through measurements which provide information on the extent of the change occurring outside the impact zone as a result of the placement operation. These measurements are often based on a null hypothesis, i.e. that no significant change can be detected. The spatial extent of sampling depends on the size of the area designated for placement.

108. However, it must be recognised that long-term variations arise as a result of purely natural causes and that it may be difficult to distinguish them from changes which are induced artificially, particularly in relation to populations of organisms.

109. Where it is considered that effects are likely to be largely physical, monitoring may be based on remote methods (e.g. acoustic measurements, side-scan sonar). It must be recognized, however, that certain ground measurements will always remain necessary for the interpretation of the remote sensing images.

110. Concise reports on monitoring activities should be prepared and made available to relevant stakeholders and other interested parties. Reports should detail the measurements made, the results obtained and the manner in which these data relate to the monitoring objectives and confirm the impact hypothesis. The frequency of reporting will depend on the scale of the placement operation, the intensity of monitoring and the results obtained.

Quality assurance

111. Quality assurance may be defined as all planned and systematic activities implemented to provide adequate confirmation that monitoring activities are fulfilling requirements related to quality.

112. The results of monitoring activities should be reviewed at regular intervals in relation to their objectives in order to provide a basis for:

- (a) modifying or terminating the field monitoring programme;
- (b) amending or revoking the placement permit;
- (c) redefining or closing the placement site; and
- (d) modifying the basis for assessing placement permit in the Mediterranean Sea.

113. The results of any reviews of monitoring activities should be communicated to all Contracting Parties involved in such activities. The licensing authority is encouraged to take relevant research findings into consideration with a view to the modification of monitoring programmes

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