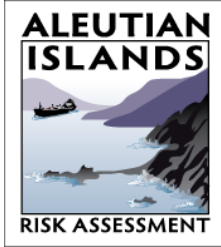


April 23, 2013



### **What is a Particularly Sensitive Sea Area (PSSA)?**

A Particularly Sensitive Sea Area (PSSA) is an area of the sea designated by the International Maritime Organization because it is especially vulnerable to impacts caused by international shipping. As part of establishing a PSSA, the IMO and the country in which the PSSA is located develop protective measures to mitigate impacts.

### **What elements are required for identifying a PSSA?**

To be identified as a PSSA, three elements must be present: (1) the area must have certain attributes (ecological, socio-economic, or scientific); (2) it must be vulnerable to damage by international shipping; and (3) there must be measures that can be adopted by the IMO to protect the attributes of the area from the vulnerability to damage by international shipping.

### **Who approves PSSA's?**

The International Maritime Organization ultimately approves the designation. If approved by IMO, the end result will be an area identified as a "Particularly Sensitive Sea Area" and one or more IMO-adopted measures for ships to follow.

### **What are "associated protective measures"?**

The term "associated protective measure" or "measure" is used both in the singular and plural throughout the IMO Guidelines. It is important to recognize that an identified vulnerability may be addressed by only one or by more than one associated protective measure. Associate protective measures may include, but are not limited to:

- Areas to be avoided
- No anchorage areas
- Mandatory installation of on-board tracking equipment
- Voluntary/mandatory reporting
- Special routing
- Requirements/recommendations for pilotage

### **Are there any legal implications for establishing PSSA's?**

It is important to note that there is no legal impact of the designation of an area as a PSSA *per se*; however, the measures that are adopted must have an identified legal basis.

[http://www.gc.noaa.gov/gcil\\_mpa-pssa.html](http://www.gc.noaa.gov/gcil_mpa-pssa.html)

### **How long does it take to establish a PSSA?**

The length of time for establishing a PSSA is dependent on the time needed to develop the supporting documentation and application for proposing a PSSA, and scheduling for IMO review and consideration. This process can take up to 2-5 years.

April 23, 2013

**Are there any initial and/or recurrent costs incurred with establishing and maintaining a PSSA? And if so, who would pay those costs for a PSSA in the Aleutians?**

There may be. These must be identified in the application.

**Are there any regulatory aspects to a PSSA? If so, what are they, how would they be enforced and by who?**

A PSSA is not a stand-alone designation. It must be supported by Associated Protective Measures (APM) that address concerns specific to the area to be designated. The APM's must be within the purview of the IMO and with an identified legal basis in IMO regulations or other international law. The PSSA guidelines place an obligation on all IMO Member Governments to ensure that ships comply with the APM's adopted to protect the designated PSSA. Nevertheless, in submitting proposals for APM's as part of a PSSA submission, proposing member Governments need to give careful consideration to strategies for ensuring compliance by international shipping. While such strategies will depend largely on the applicable legal system, common concerns include jurisdiction, presentation of evidence, and standards of proof of violation, whether sanctions are administrative, civil or penal, and the rights of the accused. IMO suggest that an effective compliance program should incorporate all the following elements:

1. Compliance monitoring through routine inspections, surveys, and/or examinations
2. Detection and policing patrols
3. Reporting procedures and incentives, including incentives for self reporting
4. Adequate investigations of violations reported or otherwise detected
5. A system of adequate sanctions in respect of violations
6. Education and public awareness programs
7. Cooperation and coordination with other State parties.

**How and when would all mariners that may pass through the area be informed or find out what a PSSA is and that one had been established?**

An education and public awareness program, outlining in detail how and to whom information regarding the PSSA must be disseminated as part of the PSSA approval process.

**Is boat (or ships) beyond a certain length or keel depth automatically excluded from PSSA's?**

Any specifics like those indicated in the question would be addressed in the APM's devised for that PSSA.