

## § 8.2

## 40 CFR Ch. I (7-1-04 Edition)

States from other Parties under the Protocol.

(b) The procedures in this part are designed to: ensure that nongovernmental operators identify and assess the potential impacts of their proposed activities, including tourism, on the Antarctic environment; that operators consider these impacts in deciding whether or how to proceed with proposed activities; and that operators provide environmental documentation pursuant to the Act and Annex I of the Protocol. These procedures are consistent with and implement the environmental impact assessment provisions of Article 8 and Annex I to the Protocol on Environmental Protection to the Antarctic Treaty.

### § 8.2 Applicability and effect.

(a) This part is intended to ensure that potential environmental effects of nongovernmental activities undertaken in Antarctica are appropriately identified and considered by the operator during the planning process and that to the extent practicable, appropriate environmental safeguards which would mitigate or prevent adverse impacts on the Antarctic environment are identified by the operator.

(b) The requirements set forth in this part apply to nongovernmental activities for which the United States is required to give advance notice under paragraph 5 of Article VII of the Antarctic Treaty of 1959: All nongovernmental expeditions to and within Antarctica organized in or proceeding from its territory.

(c) This part does not apply to activities undertaken in the Antarctic Treaty area that are governed by the Convention on the Conservation of Antarctic Marine Living Resources or the Convention for the Conservation of Antarctic Seals. Persons traveling to Antarctica are subject to the requirements of the Marine Mammal Protection Act, 16 U.S.C. 1371 *et seq.*

### § 8.3 Definitions.

As used in this part:

*Act* means 16 U.S.C. 2401 *et seq.*, Public Law 104-227, the Antarctic Science, Tourism, and Conservation Act of 1996.

*Annex I* refers to Annex I, Environmental Impact Assessment, of the Protocol.

*Antarctic environment* means the natural and physical environment of Antarctica and its dependent and associated ecosystems, but excludes social, economic, and other environments.

*Antarctic Treaty area* means the area south of 60 degrees south latitude.

*Antarctic Treaty Consultative Meeting (ATCM)* means a meeting of the Parties to the Antarctic Treaty, held pursuant to Article IX(1) of the Treaty.

*Antarctica* means the Antarctic Treaty area; i.e., the area south of 60 degrees south latitude.

*Comprehensive Environmental Evaluation (CEE)* means a study of the reasonably foreseeable potential effects of a proposed activity on the Antarctic environment, prepared in accordance with the provisions of this part and includes all comments received thereon. (See: § 8.8.)

*Environmental document or environmental documentation (Document)* means a preliminary environmental review memorandum, an initial environmental evaluation, or a comprehensive environmental evaluation.

*Environmental impact assessment (EIA)* means the environmental review process required by the provisions of this part and by Annex I of the Protocol, and includes preparation by the operator and U.S. government review of an environmental document, and public access to and circulation of environmental documents to other Parties and the Committee on Environmental Protection as required by Annex I of the Protocol.

*EPA* means the Environmental Protection Agency.

*Expedition* means any activity undertaken by one or more nongovernmental persons organized within or proceeding from the United States to or within the Antarctic Treaty area for which advance notification is required under Paragraph 5 of Article VII of the Treaty.

*Impact* means impact on the Antarctic environment and dependent and associated ecosystems.

*Initial Environmental Evaluation (IEE)* means a study of the reasonably foreseeable potential effects of a proposed