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COMDTINST 16451.9  
July 17 2007

COMMANDANT INSTRUCTION 16451.9

Subj: U.S. COAST GUARD PLACES OF REFUGE POLICY

- Ref: (a) International Maritime Organization Resolution A.949(23), Guidelines on Places of Refuge for Ships in Need of Assistance  
 (b) Marine Safety Manual, COMDTINST M16000 (series)  
 (c) U.S. Coast Guard Addendum to the United States National Search and Rescue Supplement to the International Aeronautical and Maritime Search and Rescue Manual (IMSAR Manual), COMDTINST M16130.2 (series)  
 (d) U.S. Coast Guard Maritime Law Enforcement Manual, COMDTINST M16247.1 (series)

1. PURPOSE. This Instruction provides policy guidance, a sample checklist, and a risk assessment job aid to field commanders, Area Committees, and Regional Response Teams (RRTs) to aid in preparing for and responding to a vessel requesting a place of refuge as described in reference (a), or similar events in which a vessel, not in need of immediate Search and Rescue (SAR) assistance, may pose a variety of risks to a port or coastal area. This Commandant Instruction focuses primarily on the decision process of selecting the lowest risk Place of Refuge option for a stricken vessel. In any such situation, Operational Commanders will also be conducting other, simultaneous operations, including, but not limited to, developing transit plans, staging pollution, fire, and/or hazmat response equipment, and addressing any security concerns.
2. ACTION. Area, district, and sector commanders of Maintenance and Logistics Commands, commanding officer of integrated support commands, commanding officers of Headquarters units, assistant commandants for directorates, Judge Advocate General, and special staff elements at Headquarters shall ensure compliance with the provisions of this Instruction. Internet release is authorized.
3. DIRECTIVES AFFECTED. None.

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4. BACKGROUND.

- a. On December 5, 2003, the International Maritime Organization (IMO) adopted resolution A.949 (23), *Guidelines on Places of Refuge for Ships in Need of Assistance*, which were drawn up in response to three significant events – the motor tanker (M/T) ERIKA (Dec 1999), the M/T CASTOR (Dec 2000), and the M/T PRESTIGE (Nov 2002) – involving tank ship structural failures at sea. In the case of the ERIKA and PRESTIGE, both tank ships broke apart and sank, resulting in catastrophic environmental damage to coastal states due to spilled oil. The purpose of this resolution is to encourage nations to adopt systems to balance the needs of the vessel and the needs of the coastal state and make sound decisions to enhance maritime safety and the protection of the marine environment.
- b. A second IMO resolution, A.950 (23), *Maritime Assistance Services (MAS)*, recommends that all coastal states establish a maritime assistance service (MAS). In the United States, Rescue Coordination Centers (RCCs) meet the intent of this resolution.
- c. These incidents demonstrated that in some circumstances, coastal states could actually increase their risk if they deny a vessel the opportunity to enter a place of refuge and make repairs, or delay a decision until no options remain. This Instruction establishes a process to support risk based planning and decision making. A repeatable, transparent process is also important in building stakeholder and public confidence in the final decision, regardless of outcome.

5. DISCUSSION.

- a. Contingency Planning/Pre-Incident Surveys. Operational Commanders, including Area, District, and Sector Commanders and the Commanding Officers of Marine Safety Units and Chairs of Area Committees, and RRTs shall use this Instruction as part of their normal contingency planning process. Any evaluations of possible Places of Refuge conducted before an actual incident shall be considered “pre-incident surveys” rather than a final decision. If an actual event occurs, the Operational Commander, working within a Unified Command structure as appropriate, shall review, verify, and modify as necessary these pre-surveys. Note that the term “Place of Refuge” refers simply to a location where a ship can go so that its crew or others can stabilize the situation or make repairs. It may, but need not, include actual ports or terminals.
- b. National Response Team Place of Refuge Guidelines. The National Response Team (NRT), which includes the Coast Guard, developed and approved *Guidelines for Places of Refuge Decision-Making* (NRT Guidelines) that provides: (1) an incident-specific decision-making process to assist Coast Guard Captains of the Port in deciding whether a vessel needs to be moved to a place of refuge, and if so, which place of refuge to use; and (2) a framework for pre-incident identification of potential places of refuge for inclusion in appropriate Area Contingency Plans. The NRT Guidelines, (located at <http://www.nrt.org>), emphasizes consultation with the Area Committees, RRTs, natural resource trustees, other stakeholders, and technical experts in the identification of potential places of refuge during pre-incident planning and during the decision-making process of an event. In general, operational commanders may use this and other planning tools that are consistent with the intent of this instruction.

- c. Transit Oversight. Operational commanders are expected to impose appropriate restrictions on the vessel before and during its transit to a Place of Refuge, and during any repair operations and subsequent departure. Furthermore, it may be appropriate to plan the transit in stages with appropriate requirements at each stage to allow responders to gain control and reduce risk. For example, a vessel might be required to move from open sea, to a lee, to anchor, and finally to a pier or dock, with each stage providing an opportunity to re-evaluate and take necessary actions.
- d. Risk Informed Decision Making. The Ports and Waterways Safety Act (33 USC 1221 et seq.) is a cornerstone of the Coast Guard's responsibility and authority to manage risk in coastal areas. As described in Chapter 1, Vol IX, of reference (b), the purpose of this Act is to increase navigation and vessel safety, to protect the marine environment, and to protect life, property, and structures in, on, or immediately adjacent to the navigable waters to the United States. A decision to allow a damaged vessel to enter a port area in response to a Place of Refuge request may at first seem at odds with the purpose of this Act. As officials learned with the PRESTIGE and other incidents, denying a vessel a Place of Refuge has not always led to reduced risk for a coastal area. Nonetheless, in some circumstances the lowest risk option may require the Captain of the Port (COTP) to deny entry to a vessel. A vessel should only be denied entry when the Operational Commander can, having considered all options, identify a practical and lower risk alternative to granting a Place of Refuge. Such alternatives might include continuing the voyage (independently or with assistance), directing the vessel to a specific Place of Refuge in another locale, or scuttling the vessel in a location where the expected consequences will be relatively low. Note that "continue voyage", "scuttle", and "ground" are listed as options in enclosure (2), and should be evaluated if the operational commander believes they are realistic options. Any decision to deny a vessel a Place of Refuge should be accompanied with a plan to render assistance and/or impose restrictions until the situation is ultimately resolved. An arbitrary decision to force the vessel to another locale, particularly one which may involve higher risk and/or with less capability to address the situation is unacceptable.
- e. SAR. Vessels requesting a Place of Refuge may also be in need of SAR assistance, either at the time the incident first occurs or at a later time as the situation develops. SAR operations will take place in accordance with reference (c). SAR authorities will closely monitor all Places of Refuge situations and be prepared to respond as necessary. Note that the IMO recommends that nations establish a MAS to serve as a national point of contact for Place of Refuge situations. In the United States, RCCs function as MASs, although decisions on Places of Refuge will generally be made at the Sector Commander/COTP/Federal On-Scene Coordinator (FOSC) level.
- f. Security Concerns. Operational Commanders shall evaluate security risks as part of the decision-making process, including the standard procedures conducted for any vessel and crew bound for the United States, such as the International Ship and Port Facility Security (ISPS) and High Interest Vessel (HIV) targeting matrices. Operational Commanders will incorporate security risks into the final decision, and may, where the risks so warrant, determine that security concerns override all other risks. In some circumstances it may be necessary to conduct security related operations, such as an escort or boarding, while simultaneously evaluating a Place of Refuge consideration, staging salvage and spill response equipment, and taking other actions. Operational Commanders are reminded of their responsibility to protect classified and sensitive

security information. The parallel relationship between SAR, safety, environmental, and security concerns is depicted in enclosure (3).

- g. National Defense Concerns. Operational Commanders shall evaluate the risks a vessel seeking a Place of Refuge may pose to national defense, including limiting freedom of action (such as by blocking a channel), or compromising Operational Security (OPSEC) by exposing Department of Defense (DOD) or Coast Guard personnel, installations, or equipment to unacceptable surveillance. Operational Commanders shall include appropriate DOD personnel in Place of Refuge planning activities, and incorporate DOD stakeholder concerns into any final Place of Refuge decision. As in the case regarding security concerns, Operational Commanders are reminded of their responsibility to protect classified information.
- h. Safety Concerns. Operational Commanders shall exercise extreme caution before placing boarding officers or other Coast Guard personnel aboard a stricken vessel. Personnel safety concerns remain paramount and boarding operations shall be conducted in accordance with reference (d) and with due regard for unusual safety hazards. Survey and response operations onboard a stricken vessel shall only be conducted in accordance with an approved site safety plan. This applies equally to Coast Guard and non-Coast Guard personnel.
- i. Force Majeure. *Force majeure* is defined as an overwhelming force or condition of such severity that it threatens loss of the vessel, cargo or crew unless immediate corrective action is taken. A request for a Place of Refuge may be preceded by, or issued in conjunction with, a force majeure declaration. Volume VI, Chapter 1 of reference (b) discusses Coast Guard policy with respect to force majeure. In general, force majeure is a doctrine of international law which confers limited legal immunity upon vessels that are forced to seek refuge or repairs within the jurisdiction of another nation due to uncontrollable external forces or conditions. This limited immunity prohibits coastal state enforcement of its laws which were breached due to the vessel's entry under force majeure. If a vessel's master cites *force majeure* as a reason for entry, Sector Commanders shall consult with the servicing staff judge advocate before allowing the vessel to enter. If time and circumstances permit, Sector Commanders shall use these Place of Refuge guidelines and the Maritime Operational Threat Response (MOTR) process to reach a decision and direct the vessel to a particular location. In all cases, Sector Commanders can and shall impose appropriate requirements needed to ensure safety, security, and the protection of natural resources.
- j. Notice of Arrival.
  - (1) Notice of Arrival (NOA) regulations are found in 33 Code of Federal Regulations (CFR) Part 160. Per 33 CFR 160.214, COTPs are granted the authority to waive any requirements of the NOA regulation for any vessel if the NOA requirements are "unnecessary or impractical for purposes of safety, environmental protection, or national security." An operational commander's decision to grant a waiver, such as for the 96 hour NOA time requirement, should be based on an examination of the facts and circumstances of each particular Place of Refuge request. Factors to take into account when considering a waiver include but are not limited to MARSEC level, available intelligence, and homeland security threat level. Any

decision concerning civil penalty or similar enforcement action should likewise be made on a case by case basis.

- (2) Vessels arriving under *force majeure* may be considered exempt from NOA requirements under 33 CFR 160.203(b) (3) if they are not carrying certain dangerous cargo or controlling another vessel carrying certain dangerous cargo. Any vessel requesting a Place of Refuge will almost certainly meet the standard of a hazardous condition as defined in 33 CFR 160.204, and therefore must meet the reporting requirements of 33 CFR 160.215.
- k. Intervention on the High Seas. Volume IX, Chapter 1 of reference (b) discusses Coast Guard policy with respect to the Intervention on the High Seas Act (33 USC 1471) and the *International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties*, 1969. In general, the convention affirms the right of a coastal State to take such measures on the high seas as may be necessary to prevent, mitigate or eliminate danger to its coastline or related interests from pollution by oil or the threat thereof, following a maritime casualty. “Interests” is defined to include (but not limited to) fisheries, tourism activities, and the health and well being of coastal populations. The measures taken must be proportionate to the threat. Note that consultation with the affected flag state is required and that the authority to take such action remains with the Commandant and has not been delegated. Sector Commanders who believe Intervention on the High Seas actions may be necessary shall notify their Operational Commander as soon as possible.
  - l. Financial Responsibility Concerns. In general, most financial responsibility concerns confronting the FOSC/COTP will be satisfied provided the vessel holds a valid Certificate of Financial Responsibility (COFR). If a vessel requesting a Place of Refuge does not hold a valid COFR, Operational Commanders shall contact the National Pollution Funds Center (NPFC) to discuss other options before allowing the vessel to enter United States waters, and may put the vessel’s representative in direct communication with the NPFC. Sector Commanders seeking a Letter of Undertaking or other surety shall consult the servicing staff judge advocate for guidance.
  - m. Notifications and International Coordination.
    - (1) The complex and sensitive nature of Place of Refuge incidents makes rapid communication with stakeholders, partner agencies, and the Coast Guard chain of command particularly important. Most Place of Refuge requests will involve foreign flag vessels. In such cases, in order to meet treaty obligations, follow established protocol, and ensure our response is consistent with foreign policy objectives, it is imperative that Sector Commanders inform Coast Guard Headquarters, via their operational chain of command, and the servicing District legal office of the facts of the situation and any proposed course of action. Within the Coast Guard, Operational Commanders shall ensure that the following offices are notified at the onset of the event, and kept informed through message traffic and other routine channels: the Coast Guard Headquarters Offices of Incident Management and Preparedness, (CG-3RPP), Law Enforcement (CG-3RPL), Operations Law Group (OLG) (CG-09412), and the Director of Inspections and Compliance (CG-3PC). The OLG duty team, in-country liaison officers

and other in-country personnel may be reached 24 hours a day, 365 days a year, through the Coast Guard National Command Center.

- (2) When directed by competent authority, Place of Refuge incidents may be communicated via Maritime Operational Threat Response (MOTR) protocols; a national-level interagency communications process designed to achieve consistent coordinated action and desired outcomes that directly support National Security Presidential Directive-41/Homeland Security Presidential Directive-13: *Maritime Security Policy*, December 21, 2004. Strategic in nature, MOTR protocols achieve a coordinated U.S. Government response to threats against the United States and its interests' globally in the maritime domain. MOTR addresses the full range of maritime threats including terrorism, piracy, drug smuggling, migrant smuggling, weapons of mass destruction (WMD) proliferation, maritime hijacking, and fisheries incursions.
- (3) When MOTR is triggered, established protocols are put into action for initiating real-time interagency communication, coordination, and decision-making through the integrated network of command centers. MOTR events are coordinated with the National Joint Terrorism Task Force (NJTTF) or Joint Terrorism Task Force (JTTF) and agencies that typically participate in MOTR calls, depending on the threat, include but are not limited to: the Department of Homeland Security (DHS), DOD, Department of Justice (DOJ), Department of Energy (DOE), Department of State (DOS), Department of Transportation (DOT), USCG, U.S. Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), White House Situation Room (WHSR) and the National Counterterrorism Center (NCTC). DHS, DOD and DOJ are designated lead agencies. The National Security Council and Homeland Security Council announced via memo that the President of the United States approved MOTR on October 27, 2005.
- (4) As with other pollution preparedness activities concerning events near international borders, Place of Refuge planning activities should be made in cooperation with the appropriate officials in foreign governments, and under the aegis of the governing Joint Contingency Plan (JCP). Accordingly, Regional Response Teams shall use this Instruction as part of their normal JCP planning process. U. S. Coast Guard representatives shall encourage their foreign counterparts to adopt a risk based, transparent approach to Place of Refuge planning and decisions.
- (5) In the event of a Place of Refuge situation occurring near an international border, or where a transit to a Place of Refuge will cross an international border, the U. S. Coast Guard, in accordance with the governing JCP, shall notify and cooperate with the appropriate foreign authorities, share all available information, and, in cooperation with foreign government representatives, strive to present a united and consistent set of requirements for the vessel seeking refuge.
- (6) Note that the United States is party to the *International Convention on Oil Pollution Preparedness, Response and Co-operation*, 1990. This treaty requires, among other provisions, that ships notify coastal states of pollution incidents, and that potentially impacted states share information and cooperate during the response.

- n. Captain of the Port Orders and Administrative Orders. Sector Commanders may need to direct the owners/operators of vessels seeking a Place of Refuge to take certain actions in order to reduce safety, security, or other risks. For vessels within the territorial seas, as defined in 33 CFR 2.22, or navigable waters of the United States, as defined in 33 CFR 2.36(a), Captain of the Port Orders are typically used to issue such direction. For vessels outside of the territorial seas, as defined in 33 CFR 2.22, or navigable waters of the United States, as defined in 33 CFR 2.36(a), Sector Commanders may, using the FOSC's authority, issue Administrative Orders as authorized by Section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321) as amended by the Oil Pollution Act of 1990. The FOSC must first determine that the action will mitigate or prevent a substantial threat of a discharge into or on the navigable waters or the exclusive economic zone of the United States. Sector Commanders should consult the servicing judge advocate before issuing direction to a vessel in Place of Refuge situations. This paragraph should not be construed as limiting other regulatory or statutory authorities the Coast Guard may have.
- o. Place of Refuge and the Incident Command System. While this document can and should be used as part of the normal planning process, when an incident actually occurs, the incident management team shall evaluate the situation, using this Instruction, and make a recommendation to the Unified Command on any Place of Refuge request by the responsible party. A proper Place of Refuge evaluation should consider input from subject matter experts from various fields and positions within the Incident Command System (ICS) structure. To avoid the distractions of current operations and planning, the Unified Command may consider forming a "future plans" unit, headed by the Deputy Planning Chief, to conduct the Place of Refuge evaluation. This cell would include necessary personnel from Operations and Planning Sections and the Command Staff. In some cases it may also be appropriate to include stakeholders (via the liaison officer) that are not otherwise part of the Unified Command. When the unit has completed its evaluation it will make a recommendation via the Planning Section Chief, to the Unified Command.
- p. Local Stakeholder Concerns. Place of Refuge situations can raise significant concerns among local stakeholders, who may have little understanding of the technical nature of the problem, but clearly see risks to their citizens, natural resources, and economy. Area Committees should therefore make every attempt to incorporate local stakeholders into the planning processes. This should include an explanation of risk reduction measures that will be part of any Place of Refuge decision, such as transit and salvage plans, escort requirements, or the staging of pollution response equipment. Two way communication efforts will provide a better understanding of the resources at risk, may help identify lower risk options, and will promote acceptance of the process and any final decision.
- q. Urgent Situations. In some cases, circumstances may be so urgent that the stakeholder consultation and formal risk analysis processes described in this Instruction are not possible, even in an abbreviated form. In such cases, Operational Commanders shall make all notifications that circumstances permit, and shall determine the best course of action based on the available information, prior Place of Refuge planning efforts, and their own professional judgment.

5. DISCLAIMER. Each COTP/FOSC has discretionary authority which should be used to best reduce risk within their area of responsibility (AOR). Nothing in this Instruction is intended to circumscribe the discretionary authority of a COTP/FOSC to address the unique safety and security situation within their AOR. This Instruction is intended only for internal guidance of Coast Guard personnel responsible for responding to a Place of Refuge request. Any requirements or obligations created by this Instruction flow only from such personnel to the Coast Guard, and the Coast Guard retains the discretion to deviate or authorize deviation from any requirements in this Instruction. This Instruction creates no duties or obligations to the public to comply with procedures described herein, and no member of the public should rely upon these procedures as a representation by the Coast Guard as to the manner in which it will respond to a Place of Refuge request.
6. REQUESTS FOR CHANGES. Direct to: Places of Refuge Project Officer, Office of Incident Management and Preparedness (CG-3RPP-A), 2100 Second Street, S.W., Washington, DC 20593-0001.
7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this Instruction and have been determined to be not applicable.
8. FORMS/REPORTS. None.

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- Encl: (1) Sample Place of Refuge Checklist  
(2) Place of Refuge Risk Assessment Job Aid  
(3) Authorities, Responsibilities, and Roles during a Place of Refuge Incident



### Sample Place of Refuge Checklist

Vessel Information					
Name		Flag	Official Number		
Number of Persons on Board			Location		
Crew	Passengers		Longitude	Latitude	
Number Of Crew/Passengers Already Evacuated:			Description: e.g., 20 miles west of Cape Disappointment		
Gross Tons	Length	Draft	Type/Service: e.g., container ship, product tanker, etc.		
Current O/S WX & Sea State			Projected O/S WX		
Owner/Operator/RP <sup>1</sup>		P&I Club	Class Society	Agent	
POC					
Phone					
Notified by vessel master?					
___ Yes ___No		___ Yes ___No		___ Yes ___No	

<sup>1</sup> Determine which party will be acting as the responsible party and has authority to do so. Under OPA 90 the responsible party is any person owning, operating, or demise chartering the vessel.

<b>Vessel Information (continued)</b>			
Complete Port State Control Safety & ISPS/MTSA targeting matrix			
Complete HIV targeting matrix. ( <i>Classified upon completion</i> )			
Ensure vessel has a valid COFR <sup>2</sup>			
Cargo		Bunkers	
Type	Amount	Type	Amount
Other HAZMAT: e.g., Ship's stores, etc. (Attach vessel's dangerous cargo manifest if available)			
General description of ship's condition, including any structural damage:			

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<sup>2</sup> If vessel does not hold a COFR, coordinate with NPFC and servicing legal office to arrange COFR or other coverage to the extent deemed necessary for entry.

<b>Vessel Information (continued)</b>	
Are there any deaths, injuries, or persons in need of medical assistance?	
If so, treat as SAR incident and prosecute accordingly!	
What is the nature of the problem leading to a need for a Place of Refuge?	
What is the vessel master/rep specifically requesting?	
When did the problems begin?	How long has the crew been up? (fatigue concerns)
Status of the Following Systems:	
Lifesaving (lifeboats, rafts, EPIRB, etc)	
Fire Fighting for Cargo and Accommodation/Machinery Spaces	
Bilge Pumps	
Propulsion	
Steering	
Ship's Service Generator	
Emergency Generator	
Measures Already Taken by the Crew – The attached "Rapid Salvage Survey" may assist in collecting information.	
Repairs	
Ballasting	
Cargo Shifts	

Enclosure (1) to COMDTINST 16451.9

Require the Vessel to take the following actions, as appropriate. Use an Administrative Order for vessels outside of the territorial seas and a COTP Order for vessels inside the territorial seas. The Oil Spill Liability Trust Fund (OSLTF) is available to remove an actual discharge of oil or to prevent or mitigate a substantial threat of an oil discharge.

Action	Notes
Arrange for tugs of sufficient horsepower to render necessary assistance.	
Submit a salvage plan to the Captain of the Port.	
Hire/activate an appropriate Oil Spill Response Organization.	The responsible party must notify the Qualified Individual per the Vessel Response Plan (VRP).
Hire a salvage company capable of addressing the situation.	See the International Salvage Union <a href="http://www.marine-salvage.com">http://www.marine-salvage.com</a> or the American Salvage Association <a href="http://www.americansalvage.org">http://www.americansalvage.org</a> for information about professional salvage standards, including compensation issues.
Hire a marine fire fighting company capable of addressing the situation.	See the National Fire Protection Association for information on professional standards for marine fire fighting. <a href="http://www.nfpa.org">http://www.nfpa.org</a>
Other	
The vessel's representative/responsible party must describe exactly what it is requesting with respect to a Place of Refuge, and what it intends to do there (i.e. repairs). This will require, at a minimum, a salvage plan and a transit plan, both of which will require COTP approval.	

Notifications by the COTP/FOSC

In addition to notifications required by local policy, the COTP/FOSC shall make the following notifications:

Notification	Number	Notes/Completed
District Command Center		Notify District Command Center, ensure District prevention, response, and legal offices are notified.
Area Command Center		Will normally be notified by the District Command Center
Marine Safety Center (Salvage Engineering Response Team)	(202) 475-3400 or (202) 327-3985	Search for "Salvage Engineering" at <a href="http://homeport.uscg.mil">http://homeport.uscg.mil</a> .
National Pollution Funds Center	(202) 493-6700	<a href="http://www.uscg.mil/hq/npfc/index.htm">http://www.uscg.mil/hq/npfc/index.htm</a>
Appropriate Strike Team	AST (609) 724 0008 PST (415) 883 3311 GST (251) 441 6601	
Area Committee Members		
Natural Resource Trustees		
Other		

Actions by the COTP/FOSC and Unified Command  
(Items most relevant to making a decision regarding a Place of Refuge request)

Action	Notes/Completed
Facilitate the placement of an inspection team on the vessel if safe to do so.	Entry should be made <u>only</u> in accordance with a site safety plan.
Plot the trajectory of the vessel if it is drifting or at risk of losing power or steerage.	
Plot the trajectory of the expected spill from the current location.	
Plot the trajectory of the expected spill from each Place of Refuge under consideration.	
Identify and evaluate resources at risk for each Place of Refuge under consideration.	
Review and approve a salvage plan.	
Review and approve a transit plan.	

## Place of Refuge Risk Assessment Job Aid

Operational Commanders should use this evaluation as part of the normal planning process through table top exercises and other scenario based planning activities. While Area Committees should take the lead in this planning, any actual event may cross Area Committee boundaries. Therefore, RRTs should review these evaluations to ensure consistent risk evaluation.

In the event of an actual Place of Refuge request, the Operational Commander should review and verify the previous work or modify it to suit the particular situation. The risk evaluation may be done by a future plans unit within the Planning Section made of subject matter experts from the Operations and Planning Sections, the Command Staff, and appropriate stakeholders. Before beginning the evaluation, use the checklist (Enclosure 1) to gather all relevant information.

The risk evaluation job aid is designed to independently evaluate the probability and consequences associated with each Place of Refuge option under consideration. The scores for each option are then combined to produce overall risk scores.

Numerical scores for each option are generated using a formulated Excel spreadsheet, which is located on both CG Central and CG Homeport. To access the spreadsheet via CG Central, log onto <http://cgcentral.uscg.mil> and follow the path: Our CG > Organizational Information > HQ Directorates > Assistant Commandant for Operations (CG-3) > Assistant Commandant for Response (CG-3R) > Office of Incident Management and Preparedness (CG-3RPP) > Places of Refuge > under “Supporting Documents” select the file labeled “Places of Refuge COMDTINST 16451.9\_Enclosure 2\_Risk Assessment Job Aid.xls.” To access the spreadsheet via CG Homeport, log onto <http://homeport.uscg.mil/mycg/portal/ep/home.do> and follow the path: Missions > Environmental > Pollution > Oil > Places of Refuge > under “Supporting Documents” select the file labeled “COMDTINST 16451.9 Enclosure 2 Job Aid Excel Spreadsheet.”

Because different subject matter experts may be involved in the different portions of the Place of Refuge evaluation, sections of the job aid may be completed in parallel, rather than in sequence.

The **probability** portion of the evaluation is primarily concerned with how towing, sea conditions, currents, wind, holding ground, the relative ease of conducting salvage and response operations, and other physical factors associated with a given Place of Refuge may affect the vessel. Accordingly, salvors, professional mariners and persons with expertise in engineering, ship structure, and similar fields should make this portion of the evaluation. This is in no way intended to limit the participation of others.

The **consequence** portion of the evaluation is primarily concerned with the expected harm to public health and safety, natural resources, and economic activity should an incident actually occur. Accordingly, public safety officials, natural resource trustees, and economic stakeholders should be included in the human health and safety, natural resource, and economic consequences portions respectively. This is in no way intended to limit the participation of others.

Briefly, the sequence of events is as follows: The Operational Commander shall define the worst case scenario assumption, identify any overriding national security or national defense considerations, and list the specific Place of Refuge options (locations) that the future plans unit will evaluate. The planning unit will then evaluate the risk associated with each option identified by the Operational Commander. Finally, the Operational Commander will verify the work of the planning unit, and set conditions and requirements on how and when the stricken vessel will enter the designated Place of Refuge.

*Note on weighting factors:* The weighting factors for the consequences tables have been calculated with a hierarchy which favors human health and safety over natural resources and natural resources over economic losses. This hierarchy will not pre-determine the final decision however, because scores for all categories will be calculated and considered during the process.

**Step 1, Define the Scope and Scale of the Evaluation:** The process begins when the Operational Commander determines the “worst case scenario” the group will use as a planning assumption, and lists the potential Place of Refuge locations that the group will evaluate. Taken together, these two decisions define the scope and scale of the evaluation. The Incident Commander shall make these determinations based on available information and the input of professional mariners, pilots, and salvage and response experts.

**Step 1.1:** Identify the “worst case scenario” that one may reasonably expect. This might otherwise be defined as a significant worsening of the vessel’s condition and the associated results. Make conservative but realistic assumptions about the vessel’s current status, how the situation may worsen, and the likely results. For example, determine if the loss of the entire vessel is possible, how much cargo/hazmat is onboard, and if fire or explosion is possible. Use these assumptions to define the “worst case scenario” for the incident. Evaluators should apply this definition consistently throughout the risk evaluation process. Define the scenario below:

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**Step 1.2:** The Incident Commander shall designate a limited number of potential Places of Refuge that the group will evaluate. Prior Place of Refuge and other planning activities, taken in combination with the current situation and the vessel’s location should provide an adequate number of options. Unless clearly ruled out by the circumstances, “continue voyage” and “repair in place” should be included so that the risks with these options can be evaluated. “Grounding” and “scuttle” need only be considered if those options, however undesirable, may be preferable to taking no action. If needed, either of these options may be lined out on the tables and replaced with an additional POR to evaluate.

Indicate below which of the following Place of Refuge options will be evaluated.

	Vessel Continues its voyage (deny entry) <sup>1</sup>
	Vessel Remains in its current location (repairs made in place)
	Vessel is taken out to sea and scuttled at a given location
	Vessel is intentionally grounded at a given location
	Vessel is taken to a place of refuge at:
	Vessel is taken to a place of refuge at:
	Vessel is taken to a place of refuge at:

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<sup>1</sup> Note: A continue voyage/deny entry decision should be accompanied with a plan to render assistance and impose restrictions until the situation is ultimately resolved.



**Step 2 - Probability:** For the probability component of risk, consider the likelihood (probability) that the scenario defined in step 1.1 above may occur for each Place of Refuge (POR) option being considered. The probability of such an incident may be different for different Place of Refuge options due to environmental factors, such as wind and sea conditions both at the Place of Refuge and during any transit, and by the degree of difficulty and complexity in conducting repair or salvage operations at a given POR.

**Step 2.1** – Consider how each of the following factors may affect the probability of the proposed scenario occurring, using the following scale:

1	Ideally suited to addressing situation, equipment readily staged and deployed
2	Acceptable under prevailing and expected conditions
3	Poorly suited, additional measures or procedures will be needed
4	Poorly suited to addressing situation even w/additional measures; equipment staged/deployed only with great difficulty
5	Completely unsuitable or unavailable to address situation

Evaluators should assign a higher score only where the factor would actually increase the likelihood of an incident, independent of cost or convenience.

Table 2-A. Add any additional factors relevant to the current situation at the bottom of the table.

Physical Attributes and Port Services	POR A	POR B	Continue Voyage	Repair in Place	Scuttle <sup>2</sup>	Ground
Transit Difficulty						
Holding Ground						
Expected Winds						
Expected Sea State						
Tides and Currents						
Cargo Offload						
Cargo Storage						
Docking Facilities						
Salvage Equipment						
Spill Equipment						
Security Concerns						
Total						

Total the scores for each Place of Refuge option under consideration. Lower scores indicate options less likely to result in a significant worsening of the vessel’s condition.

<sup>2</sup> Per step 1.2, “scuttle” and “ground” may be lined out on this and all subsequent tables if they are not viable options and space is needed to evaluate other specific POR options.

**Step 2.2** – The numbers recorded in table 2-A above does not translate directly into a probability score, they are only intended to help the stakeholders consider the various factors that may influence the probability that the ship’s condition will significantly worsen for each of the COAs under consideration.

Having considered the various factors that may affect the likelihood of a further worsening of the vessel’s situation; assign a probability score for each COA using the criteria below.

Highly Probable	Almost certain an incident will occur	0.9
Probable	More than 50% likelihood that an incident will occur	0.75
Equal probability	Approximately 50% likely that an incident will occur	0.5
Unlikely	Less than 50% likelihood than an incident will occur	0.25
Improbable	Incident not expected to occur under prevailing and expected conditions	0.05

Table 2-B

Course of Action	Probability Score
Vessel Continues its Voyage	
Repairs Made in Current Location	
Vessel is Taken to Place of Refuge A	
Vessel is Taken to Place of Refuge B	
Vessel is scuttled at a given location <sup>3</sup>	
Vessel is grounded at a given location	

<sup>3</sup> For this COA, the probability will be 100% unless the situation is such that scuttling might result in a more controlled release of pollutants than would be the case if no action were taken.

**Step 3 - Consequences:** For the consequence component of risk, appropriate stakeholders will determine the level (scale) of consequences that can reasonably be expected if an “incident” – defined as a significant worsening of the vessel’s condition – occurs. Stakeholders will assess the scale of expected consequences for the following three categories:

- Human Health and Safety, including the safety of the crew, professional responders, and the public at large
- Natural Resources, including threatened and endangered species, subsistence species, commercial species, habitat, and cultural resources
- Economic Impacts, including commercial shipping and fishing, marine tourism and recreational fishing, and non-marine related economic activities

**Step 3.1** – Begin by evaluating the potential consequences to human health and safety using Table 2-C below (or attached Excel table). While few credible Place of Refuge scenarios will include significant health and safety consequences to the general public, the National Contingency Plans properly lists the safety of human life as the top priority during every response action (40 CFR 300.317). Score using the following criteria:

2	No credible threat to human health and safety
4	Minor injuries to a few individuals, exposure to hazmat <u>below</u> PEL/STEL
8	Serious but non-life threatening injuries, hazmat exposure beyond PEL/STEL
16	Some deaths and/or significant injuries/ hazmat exposure beyond IDLH to small groups or lesser exposure to large groups
32	Many deaths, serious injuries, or life threatening health concerns

Table 2-C

Raw score	POR A	POR B	Continue Voyage	Repair in Place	Scuttle	Ground	Weight
General population							10
Response personnel							9
Vessel crew							9

Weighted Score	POR A	POR B	Continue Voyage	Repair in Place	Scuttle	Ground
General Population						
Response Personnel						
Vessel Crew						
Total						

**Step 3.2** - Evaluate the likely consequences to each category of natural resources and for each COA being considered using the table below, or the attached Excel spreadsheet. Score each item as follows:

2	No expected exposure of the natural resource in question
4	Minimal exposure, impact expected to be local and short term
8	Moderate exposure, measurable impact over a larger area or longer time
16	Significant exposure, regional impact and/or multi-year recovery period
32	High exposure, impact could cause the long term collapse over a large area

Table 2-D

Raw Score	POR A	POR B	Continue Voyage	Repair in Place	Scuttle	Ground	Weight
Threatened and endangered species							8
Critical habitat for TAES							10
Sensitive (non protected) species							6
Critical habitat for sensitive, (non protected) species							5
Historic or cultural resources							10
Subsistence use species							8
Subsistence use critical habitat							10
Commercial species							6
Essential fish habitat							3
Recreational use/activities							3
Other natural resources							3

**Step 3.2** (continued) – Record the weighted scores in the following table, or by using the attached Excel spreadsheet.’

Weighted Score	POR A	POR B	Continue Voyage	Repair in Place	Scuttle	Ground
Protected Species						
Critical habitat for protected species						
Sensitive (non protected) species						
Critical habitat for sensitive, (non protected) species						
Historic or cultural resources						
Subsistence use species						
Subsistence use critical habitat						
Commercial species						
Critical habitat for commercial species						
Other natural resources						
Total						

**Step 3.3** – Evaluate the potential economic consequences to each category of economic activities for each COA being considered using the table below. Consider direct impacts to critical infrastructure, but avoid undue speculation concerning cascading economic disruption. Score each item as follows:

2	No expected impact on the economic activity in question
4	Minor – local area, few businesses, and/or short term
8	Moderate – regional area, many business, and/or longer term
16	Major – significant impacts on region/economic sector for several weeks
32	Severe – will affect regional activity for several months or longer

Table 2-E

Raw Score	POR A	POR B	Continue Voyage	Repair in Place	Scuttle	Ground	Weight
Maritime commerce and shipping							4
Commercial fishing and aquaculture							4
Recreational fishing, marine tourism							4
Non-maritime activities and commerce							4
Other							1

Weighted score	POR A	POR B	Continue Voyage	Repair in Place	Scuttle	Ground
Maritime commerce and shipping						
Commercial fishing and aquaculture						
Recreational fishing, marine tourism						
Non-maritime activities and commerce						
Other						
Total						

### Step 4- Combined Risk Score

**Step 4.1** — Record the probability for each Place of Refuge option, and the associated consequence score for each type of consequence from previous tables.

	Probability Score	Health and Safety	Natural Resources	Economic Activity
Place of Refuge A				
Place of Refuge B				
Continue Voyage				
Repair in Place				
Scuttle				
Ground				

**Step 4.2** — Calculate the risk for each type of consequence, and the total risk for each Place of Refuge in the table below. Risk = Probability \* Consequences.

	Probability Score	Risk by Consequence Type			Total Risk
		Human Health and Safety	Natural Resources	Economic Activity	
Place of Refuge A					
Place of Refuge B					
Continue Voyage					
Repair in Place					
Scuttle					
Ground					

**Step 4.3** – Combine Probability and Consequence scores and determine the lowest risk Place of Refuge option. Decision makers are advised to consider each category individually, not just the lowest total risk score. For example, a Place of Refuge option with the lowest total risk might still have an unacceptably high Human Health and Safety risk relative to other options. Also, as previously discussed in this instruction, the Operational Commander shall consider security and national defense risks in making a final decision.

Attach this form to the signed Incident Action Plan to document approval of the final decision.

## Authorities, Responsibilities, and Roles during a Place of Refuge Incident

Shaded areas indicate “lead” at the given stage of the operation

	SMC/SAR	COTP/Force Majeure	FOSC/Places of Refuge	FMSC/Security Concerns
Stage 1: SAR		Monitor and assist	Monitor and assist. Notify trustees, stakeholders, and RRT of potential for POR concern	Monitor and assist. Identify any security issues
State 2: Force Majeure	Monitor and assist		Monitor and assist. Notify trustees, stakeholders, and RRT of potential for POR concern	Monitor and assist. Impose any necessary security restrictions
Stage 3: Place of Refuge Request Assessment	Monitor and assist			Monitor and assist. Impose any security restrictions required to allow transit to proceed as planned.
Stage 4: Vessel Transit	Monitor and assist			Monitor and assist. Conduct positive control boarding or other ops necessary for secure transit.
Stage 5: Response	Monitor and assist			Monitor and assist
Stage 6: Follow-Up	Monitor and assist		Focus on Natural Resource Damage Assessment (NRDA), claims, restoration, and other long term concerns	Monitor and assist
State 7: Conclusion	Monitor and assist			Monitor and assist
Stage 8: Lessons Learned	<hr style="width: 50%; margin: auto;"/>			

All agencies, Commands, authorities, and personnel are expected to act with a *Unity of Effort* to resolve the situation with due regard to safety, security, and stewardship.



Place of Refuge - Probability Determination

<b>Score</b>	Consider how each of the following factors may affect the probability of an incident (significant worsening of the vessel's condition) using the following scale:
1	Ideally suited to addressing situation, equipment readily staged and deployed, or N/A for current situation
2	Acceptable under prevailing and expected conditions
3	Poorly suited, additional measures or procedures will be needed
4	Poorly suited to addressing situation even w/ additional measures; equipment staged/deployed only with great difficulty
5	Completely unsuitable or unavailable to address situation

physical attributes and port services	POR A	POR B	continue voyage	repair in place	scuttle	ground
transit difficulty						
holding ground						
expected winds						
expected sea state						
tides and currents						
cargo offload						
cargo storage						
docking facilities						
salvage equipment						
spill equipment						
Total	0	0	0	0	0	0

Subject matter experts first assess the factors to the left, and then assign a probability score based on the descriptions below.

Likelihood of an incident occurring	Description/Definition	Probability Score
Highly Probable	Almost certain an incident will occur	0.9
Probable	More than 50% likelihood that an incident will occur	0.75
Equal Probability	Approximately 50% likely that an incident will occur	0.5
Unlikely	Less than 50% likelihood than an incident will occur	0.25
Improbable	Incident not expected to occur under prevailing and expected conditions	0.05

Course of Action	Probability Score
Place of Refuge A	0.5
Place of Refuge B	0.25
Continue Voyage	0.75
Repair in Place	0.75
Scuttle	1
Ground	1

Note that "scuttle" and "ground" will normally be assigned a probability of 1 (100%) unless those courses of action can be expected to result in a partially controlled incident that would reduce the probability of an uncontrolled release.