



## **Section 9410**

### **Places of Refuge**

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# 9410

## Places of Refuge

### 9410.1 Purpose

1. To define places of refuge and explain jurisdictional authorities for them.
2. To provide a quantifiable decision making process for response to requests.
3. To apply existing procedures for coordinated trans-boundary and trans-jurisdictional decision-making when necessary in responding to a request for a place of refuge.

### 9410.2 Introduction

A ship in need of assistance may require a temporary place of refuge with adequate water depth for lightering or repairs to protect the marine environment. Ships may need to be brought into a harbor, anchored or moored in protected waters, or temporarily beached to safely make repairs and stop the loss of oil or other hazardous substances. Disabled ships need to be repaired to resume safe navigation and prevent an incident resulting in the loss of fuel or cargo. If leaking ships are not repaired, spilled oil and hazardous substances may affect health and human safety, natural resources, and shorelines.

There is no single place of refuge for all ships and all situations. Decisions relating to places of refuge encompass a wide range of security, environmental, social, economic, and operational issues that vary according to each situation, including the environmental sensitivity and protected status of the areas within or adjacent to a potential place of refuge. The initial decision to permit a ship to seek a place of refuge, as well as the decisions and actions implementing that decision, are inherently based upon an assessment of the risk factors involved and the exercise of sound judgment and discretion.

Places of refuge are sites that could potentially be used for disabled or damaged ships needing shelter for repairs. While information on potential sites may be pre-surveyed, this does not imply that any of these sites will be the location of choice in a future event. Selection of a place of refuge by the United States Coast Guard (USCG) Captain of the Port (COTP) in consultation with other federal agencies, states, tribal and local governments, and other stakeholders will always be made on a case-by-case basis. If time allows, the COTP will activate a Unified Command under the Incident Command System (ICS) to address a request for a place of refuge.

When a place of refuge incident occurs that involves, or may involve, the international border, a response will be activated as per the Joint Canada/United States Pacific Response Plan. Similarly, if a Place of refuge incident is likely to involve more than one Area Contingency Plan, existing cross-jurisdictional protocols will be activated.

This section incorporates a decision-making process and recommended procedures for appropriate authorities and vessel masters to use when requesting a place of refuge. The guidelines in this section incorporate the Guidelines on Places of Refuge for Ships in need of Assistance adopted by International Maritime Organization (IMO) and assume use of ICS to manage the incident.

When safety of life is involved, existing search and rescue conventions and protocols should be used. When a ship is in need of assistance but life safety is not jeopardized, these guidelines should be followed to evaluate whether a ship should remain in the same position, continue on its voyage, be brought into a place of refuge, be taken out to sea, or be scuttled intentionally in deep water.

### **9410.3 Definitions**

*Ship in need of assistance* means a ship in a situation, apart from one requiring rescue of persons on board that could lead to loss of the vessel or an environmental or navigational hazard.

A *ship* is defined as any vessel (self-propelled or non-self-propelled) that can be used for the commercial carriage of cargo or passengers, as well as non-commercial applications, including, but not limited to, freight ships, tank ships, deck barges, tank barges, and large yachts.

*Place of refuge means* a place where a ship in need of assistance can take action to stabilize its condition and reduce the hazards to navigation, and to protect human life and the environment. Places of refuge can be man-made harbors, ports, natural embayments, or offshore waters.

*Guidelines* mean each of the decision-making guidelines and matters set forth above and below. Notwithstanding any such words as "may," "should," "will," "must," or "shall," these guidelines are intended solely as factors that may be considered with respect to the exercise of judgment in deciding whether, where, and when to direct or permit a ship to seek a place of refuge, as well as considered during the execution and implementation of any such decisions.

*Force Majeure* is a doctrine of international law that 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.

#### **9410.4 Jurisdiction**

Under 33 Code Federal Regulations (CFR) 6.04, the USCG COTP has authority to order ships into and out of ports, harbors, and embayments to protect the public, the environment, and maritime commerce. The COTP is the designated Federal On-Scene Coordinator (FOSC) for the United States coastal zone per the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300) (a)(1). There may be some maritime homeland security situations where the COTP, acting as the Federal Maritime Security Coordinator, may have access to Sensitive Security Information and/or classified information—not readily shareable with other stakeholders—that may impact on the final disposition of a vessel requesting "Force Majeure" or permitting a vessel to seek a place of refuge or approval of a salvage plan. These circumstances are dealt with on a case by case basis and information shared with other agencies on a “need to know” basis.

The States of Oregon, Washington, and Idaho have authority to represent and protect state interests for incidents within State waters. Each state has jurisdiction over state-owned shoreline and in nearshore waters out to 3 miles. In Washington and Oregon, State On-Scene Coordinators (SOSCs) are pre-designated by the Department of Ecology and the Department of Environmental Quality, respectively. In the State of Idaho, a SOSC is designated at the time of an incident by the Bureau of Homeland Security. Although Idaho does not have a coast, it does have a port that might potentially be used as a place of refuge.

Local governments or port authorities may have authority over near shore waters, including ports and harbors. If so, a local government or port representative may serve as a Local On-Scene Coordinator per the Northwest Area Contingency Plan.

Resource agencies have authority to manage their lands, marine areas, wildlife, habitat, and resources as mandated in their laws and regulations. Resource agencies fill positions in the ICS and provide resource information to the Unified Command. In addition, resource agencies are members of the Region 10 Regional Response Team (RRT).

Tribal governments may own land and have fishing rights in marine areas that could be impacted by a ship seeking a place of refuge. If so, a tribal government representative(s) may fill positions in the ICS or may serve as a Local On-Scene Coordinator per the Northwest Area Contingency Plan.

The master of the ship has control of the ship and is responsible for requesting a place of refuge from the COTP. The master provides details on the status of the ship and justification for needing a place of refuge per the IMO Guidelines on Places of Refuge.

#### **9410.5 Management Structure to Address Places of Refuge**

If time allows, the COTP should consult with appropriate federal, state, and local stakeholders via the RRT or other appropriate mechanism to address a request for

a place of refuge. A Unified Command may be activated as required. The Unified Command should provide an opportunity for consultation with resource agencies, tribal governments, local authorities, and other stakeholders as appropriate. Technical specialists such as marine engineers, maritime pilots, vessel inspectors/surveyors, or salvors may be activated to assist in managing the incident. The Unified Command should utilize the checklists, Decision Making Memo, or the Quick Decision Guide provided in this section and annexes, based on pre-identified information whenever available, to determine the risks associated with the request. Once identified, an analysis should be performed balancing the public and environmental risks with the risks to the ship and the ship/cargo owner in order to decide if and where to move a ship in need of assistance.

If there is not time to activate a Unified Command or the RRT, the COTP will decide whether to grant or deny the request for a place of refuge. To the extent possible, the COTP should use the checklists, Decision Making Memo, or Quick Decision Guide provided in this annex, and reference pre-identified information on potential places of refuge for the immediate area in order to select an appropriate site. Following the decision, the COTP should immediately notify appropriate stakeholders.

Attachment A contains a list of potential stakeholders in Idaho, Oregon, and Washington for ships requiring a place of refuge.

Attachment B provides a template for pre-identified information to support the decision-making checklists below, consistent with sections 3.5 to 3.6 of the IMO Guidelines on Places of Refuge for Ships in Need of Assistance.

Attachment C is a template for the Decision Making Memo.

Attachment D is a Quick Decision Guide.

### **9410.6 Decision-Making Process**

The COTP, in consultation with Unified Command if formed and, if available, the RRT, should perform an objective analysis of the advantages and disadvantages of allowing or not allowing a ship in need of assistance to proceed to a place of refuge, to the extent possible. This analysis should identify the locations that meet the operational requirements of the ship and identify the potential environmental, social, economic, and security impacts at each site. The COTP will consider these multiple factors to determine the appropriate course of action to prevent and mitigate the short- and long-term impacts to public health and the environment, local commerce, the ship, and the ship/cargo owners.

The COTP should evaluate consequences to the vessel and the environment:

- If the ship remains in the same position,
- If the ship continues on its voyage,

- If the ship reaches a place of refuge,
- If the ship is taken out to sea, or
- If the ship is intentionally scuttled in deep water.

The decision-making process should evaluate each of these options using the following steps to determine if a ship in need of assistance should be granted a place of refuge. These steps are not in prioritized order, but should be addressed as part of a total assessment for each of the five options above.

#### **9410.6.1 Step 1 Request for Place of Refuge**

The master of the ship, or his/her representative (the operating company and/or salvor), should request a place of refuge from the appropriate USCG COTP (or appropriate Canadian authority). The master should provide as much information as possible, including:

- The status of the ship, crew, passengers, and weather;
- Medical issues, deaths, or need for evacuation of crew and/or passengers;
- The reasons the ship needs assistance and the specific assistance required;
- Intended actions and potential consequences if the request for a place of refuge is denied;
- If the ship is flooding, whether the pumping system is operable and is keeping up with the flooding rate;
- Status of vessel steering, propulsion, and firefighting capability;
- The steps already taken to mitigate the problem, and results;
- What needs or requirements will the ship have once in a place of refuge; and
- Status of notifications completed by master: i.e., owners/operators/agents/Qualified Individuals/class society, etc.

#### **9410.6.2 Step 2 Consultation with Appropriate Agencies**

When time allows, the COTP should consult with appropriate agencies via the RRT to address the issue and activate a Unified Command when the situation dictates. If a Unified Command is activated, the Port of Refuge Decision Making Memo located in this chapter may be utilized to provide a methodology for the Port of Refuge decision making. If there is insufficient time to utilize the POR Decision Making Memo the Quick Decision Guide located in this chapter may be used.

If there is not time to consult with partner agencies, the COTP should grant or deny the request for a place of refuge and inform the state or province, other concerned agencies, and appropriate stakeholders at the earliest time to determine if any protective measures are required.



### **9410.6.3 Step 3 Captain of the Port or Unified Command Response Steps**

In either case, the COTP or Unified Command should:

- Require the vessel master or owner/operator or agent, Qualified Individual etc., to contract with a salvor and oil spill response organization, or other specialized contractor if this has not already been done;
- As the situation dictates, establish a Command Post and prepare to initiate a response;
- If the vessel is drifting, determine its trajectory to shore and potential impact sites;
- Notify the Federal Bureau of Investigation Intelligence Coordination Center or the Department of Homeland Security Homeland Security Operations Center if there are any security concerns;
- When appropriate and if time allows, dispatch an inspection team with expertise appropriate to the situation to board the ship and evaluate conditions; depending on risk, sea conditions, security risk, nature of distress etc.
- Confer with the USCG Marine Safety Center Salvage Engineering Response Team, the vessel owners or naval architects.
- Evaluate the factors in the following sections to determine if the ship in need of assistance should remain in the same position, continue on its voyage, be taken out to sea, be scuttled intentionally, or be directed to a place of refuge.

#### **9410.6.3.1 Human Health and Safety**

- Safety and Health condition of those on board, as well as risks to public safety.

#### **9410.6.3.2 Environment**

- The environmental consequences of staying put, continuing on its voyage, being taken out to sea, being intentionally scuttled in deep water, or going to a place of refuge (reference Step 5 below).

#### **9410.6.3.3 Ship Status and Risk Factors**

- The kind and size of the ship;
- The status/seaworthiness of the ship, including, buoyancy, stability, structural integrity, availability of propulsion and power generation, docking ability, progressive deterioration, etc.;
- Types, quantities, hazards, and condition of petroleum products, hazardous substances, and/or other cargo onboard;
- The impending threat to the ship or its product;
- Weather conditions and forecasts;
- The master's ability to navigate the ship or need for a pilot;

- Distance and estimated time to reach a place of refuge;
- Vessel traffic in the area where the ship is currently located;
- Mitigation measures already taken; and
- Determine crew status: health, staffing levels, etc.

#### **9410.6.3.4 Response & Salvage Resources**

- Availability of rescue tugs/tow vessels of sufficient size and power to aid the ship in distress;
- Salvage and spill response resources on-scene with the ship and available during transit;
- Vessel traffic in the potential destination area;
- Access to a pier or dock with repair facilities; and
- Whether salvage and lightering can safely be performed at each alternative location.

#### **9410.6.3.5 Other Command Management Factors**

- Provisions of financial security and insurance by the ship owner/operator;
- Agreement by the master and owner/operator of the ship to the proposals of the COTP/Unified Command;
- Public expectations and media outreach; and
- Capability of master to detain crew on board until cleared by Customs and Border Protection and USCG.

#### **9410.6.4 Step 4 Factors for Further Evaluation**

If the COTP/Unified Command determines that the risks are generally acceptable to direct a ship into a place of refuge, the following factors should be further evaluated to determine a specific place.

##### **9410.6.4.1 Human Health and Safety**

- Assessment of human factors, including crew fatigue and overall health;
- Safety of persons at or near the place of refuge with regard to risks of explosion, fire, and pollution;
- Security concerns associated with a port or harbor area;
- Available emergency response capabilities and evacuation routes and facilities; and
- Available firefighting and police capabilities.

##### **9410.6.4.2 Environment**

- Potential environmental and cultural impacts of pollution (reference Step 5 below) or the response to a pollution incident;

- Existing resource protection strategies and availability of response resources to implement the strategies; and
- Status of potential places of refuge (protected status, commercial area, near population centers).

#### **9410.6.4.3 Port or Anchorage Area Criteria**

- Type and size of the ship in relation to the size of the place of refuge;
- Adequate water depth to accommodate the ship;
- Navigational approach, including vessel traffic and associated risks;
- Pilotage requirements;
- Tides and currents;
- Seasonal conditions such as ice;
- Anchoring ground or suitable docking facilities;
- Availability of repair facilities such as dry docks, workshops, and cranes;
- Availability of facilities which can handle dangerous cargo;
- Military operations in vicinity;
- Availability of cargo transfer and storage facilities;
- Land and/or air access;
- Weather and sea state, including prevailing winds;
- Requirements from port authorities, area landowners/managers; and
- Are the proposed activities specifically prohibited and/or are there permitting or notification requirements that need to be followed, i.e., national marine sanctuary permit?

#### **9410.6.4.4 Beaching Site Criteria**

- Depth of water, not covering vessel deck;
- The type of shore bottom;
- Navigational approach and pilotage requirements;
- Seasonal conditions such as ice;
- Openness of the site to ocean waves/currents;
- Land and/or air access;
- Prevailing wind patterns and forecasts;
- Tidal range; and
- Vessel stability and structure for beaching.

#### **9410.6.4.5 Economic Factors**

- Potential economic impacts of pollution;
- Potential disruptions to other port operations or marine commerce;
- Potential impacts on local fisheries, commercial fisheries, and/or natural resources exposed on the transit route;

- Economic impact of the decision on the ship operator/owners and the cargo owner; and
- Economic impact related to loss of natural resources, area quality and recreational use.

#### **9410.6.4.6 Response, Salvage, Firefighting, and Repair Resources**

- Available salvage and spill response resources;
- Available firefighting resources;
- Availability of appropriate and compatible lightering equipment and receiving vessels;
- Availability of product storage (e.g., tank barge, shore-side storage tank, or other ships);
- Availability of skilled labor and trained personnel;
- Access to repair equipment and facilities;
- Availability of cargo reception and storage facilities;
- Salvage and response vessel access to the “place of refuge”;

#### **9410.6.4.7 Other Command Management Factors**

- Liability, insurance, and compensation issues and limits;
- Requirements of jurisdictional authorities for financial responsibility and bonding;
- Required notifications such as maritime pilots, Immigration, Customs, and security;
- Transnational or trans-jurisdictional coordination agreements/plans, if applicable; and
- Public expectations and media outreach.

#### **9410.6.5 Step 5 Environmental, Historic, and Cultural Factors in Determining Places of Refuge**

To protect environmental, historic, and cultural resources, the COTP/Unified Command should determine the presence of and proximity to the following for any place of refuge location:

- Resources at risk such as threatened or endangered species, seasonal breeding locations, or designated critical habitat;
- Essential fish habitat;
- Mariculture/aquaculture facilities;
- Other priority sensitive areas, including cultural and historic properties;
- Other resources, lands and/or waters with special designations;
- Offshore fisheries;
- Near shore fisheries;
- Subsistence use patterns and treaties;

- Recreation/tourism information; and
- Spill trajectories.

**9410.6.6 Step 6 Informing Authorities and Stakeholders**

After the final analysis has been completed and a decision made, the COTP or Unified Command, through a formal document (such as a Decision Memo), should ensure that other authorities and stakeholders listed in Attachment A are appropriately informed.

## **9410A Attachment A: Regional List of Potential Stakeholders for Incident-Specific Consultation Regarding Places of Refuge**

The Area Committee should ensure that current contact information is available through the committee members for the categories listed below:

Federal On-Scene Coordinator

State On-Scene Coordinator

Federal Natural Resource Trustees (list) State Natural:

Resource Trustees (list):

Federally Recognized Tribes or First Nations (list):

Land Owners/Land Managers in addition to trustees identified above (examples follow):

- Local (e.g., borough/municipal) governments
- Potentially impacted facility owners
- Port Authorities

Other Stakeholders or Agencies (examples follow):

- Regional Citizens Advisory Councils or other appropriate public interest groups
- Harbor Safety Committees
- Selected commercial operators (e.g., fish hatcheries, mariculture sites)
- Immigration, Customs, the Federal Bureau of Investigation, the Department of Homeland Security, and the Federal Emergency Management Agency
- Maritime pilot groups serving the area
- Center of Disease Control/state and local health departments.

## **9410B Attachment B: Template for Pre-Identifying Information Necessary for Responding to Requests for Places of Refuge**

### **Introduction**

Ideally, the Northwest Area Committee should gather information on all potential places of refuge in our area of responsibility. This attachment provides a template for the collection of general information on the planning region as well as specific information on sites such as docks and piers, anchorages and moorings, and possible beaching sites. The checklists in this template support the decision-making checklists in the Places of Refuge section by providing for the advance collection of information and are therefore crucial to expediting a place of refuge decision-making process.

While information on possible sites may be pre-inventoried, this does not imply that any of these sites will be the location of choice in a future event. Selection of a place of refuge by the United States Coast Guard (USCG) Captain of the Port (COTP) in consultation with other agencies and stakeholders will always be made on a case-by-case basis.

A workgroup may be established to pre-identify information on coastal port or places that will give the COTP valuable information on a decision to choose a place of refuge in an emergency situation. The workgroup may include representatives of the USCG, the state environmental agency (or agencies), appropriate federal and state natural resource trustees, local environmental and natural resource agencies, and marine pilots associations. In addition, native tribes and other interested and knowledgeable stakeholders should be invited to participate.

### **9410B.1 General Information**

This is general information needed to assess a potential POR.

- Casualty risks associated with the routine vessel traffic routes in the planning area
- Availability of rescue tugs/tow vessels of sufficient size and power to aid the vessel in distress and predicted arrival times
- Salvage, lightering, firefighting and spill response resources available to this jurisdiction, including delivery times
- Transnational or trans-jurisdictional coordination agreements/plans, if applicable
- Shorelines likely to be impacted either during transits to a place of refuge or if refuge is denied:
  - Shoreline names and locations as appropriate
  - Shoreline types and generally acceptable cleaning methods

- Description of sensitive resources/areas along the coastlines likely to be impacted, including fisheries, aquaculture sites, cultural and historic sites, threatened and endangered species, subsistence use, recreation/tourism, or specially designated lands or waters
- Existing resource protection strategies
- General wind/wave/current information and source for real-time tide/wind/wave/current information
- Seasonal conditions, such as ice
- Potential risks to populations along the coasts with regard to explosion, fire, and pollution; availability of evacuation routes
- General information on coastal vessel traffic patterns
- Other pertinent information

### **9410B.2 Information for Use in Choosing Places of Refuge**

#### **9410B.2.1 Docks and Piers**

For each site:

- Site number [to correspond to map showing location]
- Site name
- Site location (descriptive and latitude/longitude coordinates)
- Water depths at mean low tide
- Beach/shoreline types and generally accepted cleaning methods
- Bottom types
- General wind/wave/current information
- Openness of the site to ocean waves/currents
- Source for real-time tide/wind/wave/current information
- Seasonal conditions, such as ice
- Standard navigational approach, including vessel traffic patterns and associated risks
- Pilotage requirements
- Nearby port operations and potential impacts
- Brief description of port facilities
- Brief description of repair facilities/capabilities/skilled labor
- Availability of cargo transfer and storage facilities
- Land and/or air access
- Risks to persons at or near the location with regard to explosion, fire, and pollution; availability of evacuation routes
- Description of sensitive resources/areas at the site and along potential access routes to that site, including fisheries, aquaculture sites, cultural and historic sites, threatened and endangered species, subsistence use, recreation/tourism, or specially designated lands or waters
- Existing resource protection strategies



- Availability of salvage, spill response, and emergency response resources including police and firefighting
- Security measures in place
- Requirements for permission from area landowners/managers
- Financial assurance requirements of port authorities
- Liability and compensation issues and limits
- Required notifications such as Immigration or Customs
- Identification of stakeholders, including 24/7 contact information
- Other pertinent information

### 9410B.2.2 Anchorages and Moorings

For each site:

- Site number [to correspond to map showing location]
- Site name
- Site location (descriptive and latitude/longitude coordinates)
- Water depths at mean low tide
- Beach/shoreline types and generally accepted cleaning methods
- Bottom types
- General wind/wave/current information
- Openness of the site to ocean waves/currents
- Source for real-time tide/wind/wave/current information
- Seasonal conditions, such as ice
- Standard navigational approach, including vessel traffic and associated risks
- Pilotage requirements
- Nearby port operations, if any, and potential impacts
- Brief description of facilities (if any)
- Availability of cargo transfer and storage vessels
- Land and/or air access
- Risks to persons at or near the location with regard to explosion, fire, and pollution; availability of evacuation routes
- Description of sensitive resources/areas at the site and along potential access routes to that site, including fisheries, aquaculture sites, cultural and historic sites, threatened and endangered species, subsistence use, recreation/tourism, or specially designated lands or waters
- Existing resource protection strategies
- Availability of salvage, spill response, and emergency response resources, including police and firefighting, and their potential access to the site
- Security measures in place
- Requirements for permission from area landowners/managers, if applicable

- Financial assurance requirements of local port authorities, if applicable
- Liability and compensation issues and limits
- Required notifications such as Immigration or Customs
- Identification of stakeholders, including 24/7 contact information
- Other pertinent information

**9410B.2.3 Beaching Sites**

For each site:

- Site number [to correspond to map showing location]
- Site name
- Site location (descriptive and latitude/longitude coordinates)
- Water depths at mean low tide
- Beach/shoreline types and generally acceptable cleaning methods
- Bottom types
- General wind/wave/current information
- Openness of the site to ocean waves/currents
- Source for real-time tide/wind/wave/current information
- Seasonal conditions, such as ice
- Standard navigational approach, including vessel traffic and associated risks
- Pilotage requirements
- Nearby port operations, if any, and potential impacts
- Brief description of facilities (if any)
- Availability of cargo transfer and storage vessels and their potential access to the beaching site
- Land and/or air access
- Risks to persons at or near the location with regard to explosion, fire, and pollution; availability of evacuation routes
- Description of sensitive resources/areas at the site and along potential access routes to that site, including fisheries, aquaculture sites, cultural and historic sites, threatened and endangered species, subsistence use, recreation/tourism, or specially designated lands or waters
- Existing resource protection strategies
- Availability of salvage, spill response, and emergency response resources, including police and firefighting, and their potential access to the beaching site
- Security measures in place
- Requirements for permission from area landowners/managers, if applicable
- Financial assurance requirements of local port authorities, if applicable
- Liability and compensation issues and limits

- Required notifications such as Immigration or Customs
- Identification of stakeholders, including 24/7 contact information
- Other pertinent information

**9410C Attachment C: Places of Refuge Plan**

Incident Name	Date	Time

A place of refuge (POR) refers to a location where a ship that is in need of assistance can take action to:

- Protect human life and the environment
- Stabilize its condition
- Reduce the hazards to navigation

Under 33 Code of Federal Regulations 6.04, the United States Coast Guard Captain of the Port has authority to order ships into and out of ports, harbors, and embayments in order to protect the public, the environment and maritime commerce. This package was developed in accordance with Northwest Area Contingency Plan Places of Refuge policy and provides Unified Command with a recommendation on appropriate action to take regarding a ship in need of assistance, as well as provides supporting documentation that identifies the security, environmental, social, economic, and operational issues considered in making that recommendation.

Refer to ICS Form 202 for Incident Objectives.

Locations considered and alternatives not considered (scuttling/grounding) based on the scenario.

Recommendation to Unified Command:

(Example: *M/V Seagull* to proceed to Port Phillips harbor as a place of refuge to undertake lightering and salvage functions.

Reviewed by:

ICS Role	Name (Print)	Signature	Date
Operations Section Chief			
Salvage Branch Leader			
Planning Section Chief			
Environmental Unit Leader			

Action Approval:

	Name (Print)	Signature	Date
RPIC			
FOSC			
SOSC			

Places of Refuge Summary:

The following potential place of refuge (POR) options and actions were evaluated:

Vessel Continues its voyage (deny entry)
Vessels remains at sea or moved to sea
Vessel is taken to a place of refuge at (POR A):
Vessel is taken to a place of refuge at (POR B):
Vessel Remains in its current location (repairs made in place)
<i>Vessel is intentionally grounded at:</i>
<i>Scuttled at:</i>

These scores are taken from Step 4 B of the attached Risk Analysis and summarize the total risk score for each POR/action based on the probability score determined in Step 3. Risk is calculated by the following equation: Risk = Probability Score \* Weighted Consequence Score. The lowest risk represents the least overall risk. These scores are provided for the purpose of comparing the alternatives; however, each alternative and risk category must be carefully considered because individual weighted risk scores may make the lowest risk option unacceptable.

	RISK SCORES						
	Continue Voyage	Sea	POR A	POR B	Current Location	Ground	Scuttle
Probability Score							
Human Health and Safety							
Natural Resources							
Economic Activity							
<b>TOTAL RISK</b>							

It is important to note that decision makers must consider each category individually, not just the lowest total risk score. For example, a POR option with the lowest total risk might still have an

unacceptably high Human Health and Safety risk relative to other options. Security and national defense risks must also be considered in making a final decision.

**Attachments**

- Endorsement page for POR recommendations
- Places of Refuge Risk Analysis
- Vessel Information
- Stakeholder Contact List
- Maps - Potential POR Critical Information Sheet
- Restrictions and Assistance Plan (if a continue voyage/deny entry decision)
- References
- Geographic Response Plans
- Resources at Risk
- Transit Plan

Endorsement Page for POR Recommendation by Technical Specialists and Other Contributors:

Title	Name (Print)	Signature	Date
Vessel Agent			
Pilots			
Marine Exchange			

**9410C.1 Places of Refuge Risk Analysis: Step 1 – Scope and Scale of the Evaluation**

A. Define 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/hazardous material is onboard, and if fire or explosion is possible. Use these assumptions to define the “worst case scenario” for the incident. This definition should be applied consistently throughout the risk evaluation process.

**B. Identify potential Place of Refuge (POR) options and actions to be evaluated.**

	Vessel continues its voyage (deny entry)
	Vessels remains at sea or moved to sea
	Vessel is taken to a place of refuge at (POR A):
	Vessel is taken to a place of refuge at (POR B):
	Vessel remains in its current location (repairs made in place)
	<i>Vessel is intentionally grounded at:</i>
	<i>Scuttled at:</i>

- “Continue voyage” and “current location” should be included so that the risks with these options can be evaluated unless the options are clearly ruled out by the circumstances. A continue voyage/deny entry decision should be accompanied with a plan to render assistance and impose restrictions until the situation is ultimately resolved.
- “Grounding” and “scuttle” need only be considered if those options, however undesirable, may be preferable to taking no action. If needed, either of the options may be lined out on the tables and replaced with an additional POR to evaluate.

**9410C.2 Places of Refuge Decision Tool**

**9410C.2.1 Step 2 – Logistical Suitability of Potential POR/Actions**

Identify the logistical suitability for each of the place of refuge options being considered based on the application of the following scale:

Score	Description						
1	<i>Ideally suited to addressing situation; equipment readily staged and deployed</i>						
2	<i>Acceptable under prevailing and expected conditions</i>						
3	<i>Marginally suited, additional measures or procedures will be needed</i>						
4	<i>Poorly suited to addressing situation even w/additional measures; equipment staged/deployed only with great difficulty</i>						
5	<i>Completely unsuitable or unavailable to address situation</i>						
Physical Attributes and Port Services	Continue Voyage	Sea	POR A	POR B	Current Location	Ground	Scuttle
Transit Difficulty							
Holding Ground							
Bar Conditions							
Expected Winds							
Expected Sea State							
Tides and Currents							
Cargo Offload							
Cargo Storage							
Docking Facilities/ Availability							
Salvage Equipment							
Spill Equipment							
Security Concerns							
<b>TOTAL</b>							



**9410C.2.1.1 Step 2.1 – Probability Determination for Potential POR/Actions**

Considering the various factors that may affect the likelihood of a further worsening of the vessel's situation, assign a probability score for each potential POR/action using the criteria below:

<b>Likelihood of an Incident Occurring</b>	<b>Description/Definition</b>	<b>Probability Score</b>
<i>Highly Probable</i>	<i>Almost certain an incident will occur</i>	<i>0.9</i>
<i>Probable</i>	<i>More than 50% likelihood that an incident will occur</i>	<i>0.75</i>
<i>Equal probability</i>	<i>Approximately 50% likely that an incident will occur</i>	<i>0.5</i>
<i>Unlikely</i>	<i>Less than 50% likelihood than an incident will occur</i>	<i>0.25</i>
<i>Improbable</i>	<i>Incident not expected to occur under prevailing and expected conditions</i>	<i>0.05</i>
<b>Potential POR/Action</b>		<b>Probability Score</b>
Vessel is taken to POR A		
Vessel is taken to POR B		
Vessel continues its voyage (deny entry)		
Repairs made in current location		
Vessel is scuttled at a given location		
Vessel is grounded at a given location		

**9410C.3 Step 3 – Consequence Evaluations for Potential POR/Actions: Health and Human Safety**

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 Code of Federal Regulations 300.317). For the consequence component of risk, appropriate stakeholders will determine the level (scale) of consequences that can reasonably be expected if the vessel’s condition significantly worsens.

- A. Evaluate the potential consequences to human health and safety using the following criteria:

Score	Description						
2	No credible threat to human health and safety						
4	Minor injuries to a few individuals, exposure to hazardous material <u>below</u> PEL/STEL						
16	Serious but non-life-threatening injuries, hazardous material exposure beyond						
30	Some deaths and/or significant injuries/hazardous material exposure beyond immediately dangerous to life and health (IDLH) to small groups or lesser						
32	Many deaths, serious injuries, or life threatening health concerns						
RAW CONSEQUENCE SCORES							
	Continue Voyage	Sea	POR A	POR B	Current Location	Ground	Scuttle
General Population							
Response Personnel							
Vessel Crew/ Passenger							

- B. Calculate a weighted consequence score for each POR/action for each category using the following equation: Weighted Consequence Score = Raw Score \* Weight

WEIGHTED CONSEQUENCE SCORES								
	Weight	Continue Voyage	Sea	POR A	POR B	Current Location	Ground	Scuttle
General Population	10							
Response Personnel	10							
Vessel Crew/ Passenger	10							
<b>TOTALS</b>								

**9410C.3.1 Step 3.1 – Consequence Evaluations for Potential POR/Actions**

**9410C.3.1.1 Natural Resources**

For the consequence component of risk, appropriate stakeholders will determine the level (scale) of consequences that can reasonably be expected if the vessel’s condition significantly worsens.

- A. Evaluate the potential consequences to each category of natural resources using the following criteria:

Score	Description						
2	<i>No expected exposure of the natural resource in question</i>						
4	<i>Minimal exposure, impact expected to be local and short term</i>						
8	<i>Moderate exposure, measurable impact over a larger area or longer time</i>						
16	<i>Significant exposure, regional impact and/or multi-year recovery period</i>						
RAW CONSEQUENCE SCORES							
	Continue Voyage	Sea	POR A	POR B	Current Location	Ground	Scuttle
Threatened and endangered species (T&ES)							
Critical habitat for T&ES							
Sensitive species (not protected)							
Critical habitat for sensitive species (not protected)							
Historic or cultural resources							
Subsistence use species							
Subsistence use critical habitat							
Commercial species							
Essential fish habitat							
Recreational use/activities							
Other natural resources							

Step 3.1 – Consequence Evaluations for Potential - *Continued*

B. Calculate a weighted consequence score for each POR/action for each category using the following equation: Weighted Consequence Score = Raw Score \* Weight

WEIGHTED CONSEQUENCE SCORES								
	<i>Weight</i>	Continue Voyage	Sea	POR A	POR B	Current Location	Ground	Scuttle
Threatened and endangered species (T&ES)	8							
Critical habitat for T&ES	10							
Sensitive species (not protected)	6							
Critical habitat for sensitive species	5							
Historic or cultural resources	10							
Subsistence use species	8							
Subsistence use critical	10							
Commercial species	6							
Essential fish habitat	3							
Recreational use/activities	3							
Other natural resources	3							
<b>TOTALS</b>								

**9410C.3.2 Step 3.2 – Consequence Evaluations for Potential POR/Actions**

**9410C.3.2.1 Economic Activities**

For the consequence component of risk, appropriate stakeholders will determine the level (scale) of consequences that can reasonably be expected if the vessel’s condition significantly worsens.

- A. Evaluate<sup>1</sup> the potential consequences to each category of economic activities using the following criteria:

Score	Description
2	<i>No expected impact on the economic activity in question</i>
4	<i>Minor – local area, few businesses, and/or short term</i>
8	<i>Moderate – regional area, many business, and/or longer term</i>
16	<i>Major – significant impacts on region/economic sector for several weeks</i>

RAW CONSEQUENCE SCORES							
	Continue Voyage	Sea	POR A	POR B	Current Location	Ground	Scuttle
Maritime commerce and shipping							
Commercial fishing and aquaculture							
Recreational fishing, marine tourism							
Non-maritime activities and commerce							

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<sup>1</sup> Consider direct impacts to critical infrastructure, but avoid undue speculation concerning cascading economic disruption.

**Step 3.2 – Consequence Evaluations for Potential POR/Actions  
Economic Activities - Continued**

- B. Calculate a weighted consequence score for each POR/action for each category using the following equation:  $\text{Weighted Consequence Score} = \text{Raw Score} * \text{Weight}$

WEIGHTED CONSEQUENCE SCORES								
	<i>Weight</i>	Continue Voyage	Sea	POR A	POR B	Current Location	Ground	Scuttle
Maritime commerce and shipping	4							
Commercial fishing and aquaculture	4							
Recreational fishing, marine tourism	4							
Non-maritime activities and commerce	4							
<b>TOTALS</b>								

**9410C.4 Step 4 – Combined Risk Scores**

- A. Compile the weighted consequence scores health and human safety, natural resources, and economic activity.

COMPILED WEIGHTED CONSEQUENCE SCORES							
	Continue Voyage	Sea	POR A	POR B	Current Location	Ground	Scuttle
Human Health and Safety (Step 4.1 B)							
Natural Resources (Step 4.2 B)							
Economic Activity (Step 4.3 B)							

- B. Record the probability scores for each of the potential POR/actions on the top line. Calculate the risk for each option using the equation: Risk = Probability Score \* Weighted Consequence Score. Add the probability and risk scores to determine the total risk associated with each potential POR/action.

RISK SCORES							
	Continue Voyage	Sea	POR A	POR B	Current Location	Ground	Scuttle
<i>Probability Score</i> (Step 3)							
Human Health and Safety							
Natural Resources							
Economic Activity							
<b>TOTAL RISK</b>							

It is important to note that decision makers must consider each category individually, not just the lowest total risk score. For example, a POR option with the lowest total risk might still have an unacceptably high Human Health and Safety risk relative to other options. Security and national defense risks must also be considered in making a final decision.

**9410D Attachment D: 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?			
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> 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.



**Vessel Information - Continued**

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:			

2 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.

**Vessel Information - Continued**

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	

## 9410E Attachment E: Template for Place of Refuge Quick Decision Guide

# Place of Refuge (POR) Quick Decision Guide

In the event that the Captain of the Port (COTP) does not have the time to consult with the appropriate federal, state, tribal, and local stakeholders via the Regional Response Team or other appropriate mechanisms, this checklist maybe used to assist in the decision process. A POR decision may include: denying entry, remaining in the current location, scuttling, grounding, anchorage, or directing to a port.

**VESSEL INFORMATION:**

Name: \_\_\_\_\_ Vessel Location: \_\_\_\_\_  
 IMO/Lloyd's No: \_\_\_\_\_ (Official number if no IMO/Lloyd's) Latitude/Longitude: \_\_\_\_\_  
 Type of Event/Casualty: \_\_\_\_\_ Date/Time of Event: \_\_\_\_\_

**INITIAL STATUS:**

Master/Owner/Operator desires **Place of Refuge**  YES  NO  
 Status of crew and passengers \_\_\_\_\_

**STATUS OF VESSEL:****Equipment Malfunction**

- Steering Gear  
 Crew  
 Navigational Equipment  
 Condition  
 Propulsion  
 of Oil (from any source)  
 Safety System  
 (from any source)  
 Other (describe below)

**Damage**

- Breach in Hull or Tank  
 Fire Damage  
 Explosion Damage  
 Other (describe below)  
 Other (describe below)

**Miscellaneous**

- Incomplete  
 Miscellaneous  
 Potential Leak  
 Leak of Oil

**WEATHER CONDITIONS:****Weather**

- Clear  
 Partly Cloudy  
 Cloudy  
 Fog  
 Rain  
 Snow  
 Storm  
 Wind Speed \_\_\_\_\_ kts  
 Other: \_\_\_\_\_

**Visibility**

- 0 - 1/2 mile  
 1/2 - 1 mile  
 1 - 5 miles  
 5+ miles

**Wind**

- N**  
**NE**  
**W**  
**SE**  
**S**

Variable

**TIDAL CONDITIONS:****Tide**

- Extreme High  
 Extreme Low  
 High  
 Low

**Current**

- Max Ebb  
 Ebb  
 Min Ebb  
 Slack  
 Stand  
 Min Flood  
 Max Flood  
 Flood  
 River Current Speed  
 \_\_\_\_\_ kts

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**OIL/FUEL INFORMATION:**

**Type of Oil:**  Gasoline  Diesel Estimated Amount Onboard:  
\_\_\_\_\_ (SPECIFY UNITS: GALLONS, LITERS)

Hydraulic  Bunker  
 Crude  Lube  
 Asphalt/Creosote  Other Oil Product:  
 Kerosene  Other cargo:

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**PLACE OF REFUGE SITE DETERMINATION FACTORS:**

- Port or anchorage is adequate to receive the vessel
- Availability and/or access to security assets, and response, firefighting and salvage
- Health and safety of the vessel crew, passengers and the local communities
- Potential environmental and cultural impacts
- Potential economic impacts

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**NARRATIVE & DISCUSSION**