



## Guidelines for Places of Refuge Decision-Making

July 26, 2007

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## **Acknowledgement**

The National Response Team (NRT) acknowledges the NRT member agencies, and state and Federal agencies participating on the Regional Response Teams (RRTs), for their contributions in preparing this document. We invite comments or concerns on the usefulness of this document in all-hazard planning for responses. Please send comments to:

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## **Executive Summary**

Over the past decade, finding places of refuge for stricken vessels has become a significant issue deserving the attention of Area Committees, Regional Response Teams (RRTs), and the National Response Team (NRT). In December 2003, the International Maritime Organization (IMO) adopted Resolution A.949(23), *Guidelines on Places of Refuge for Ships in Need of Assistance*. Being a signatory to this agreement, it is incumbent upon the United States through the National Response System to develop protocols and procedures to address places of refuge for vessels in distress.

The IMO resolution was developed in response to three major overseas oil spills; namely, the M/T ERIKA (December 1999), the M/T CASTOR (December 2000), and the M/T PRESTIGE (November 2002). Each of these incidents involved tank ship structural failures at sea. In the case of the ERIKA and PRESTIGE, both tank ships eventually broke apart and sank, releasing millions of gallons of crude oil, which resulted in significant contamination to coastal states. These incidents clearly demonstrated that in some cases, the coastal states actually increased their risk to significant contamination by denying a vessel the opportunity to make repairs in relative safety, or by delaying a decision until no options remained. The port states' refusal to allow vessels in distress to find "safe refuge" ultimately became decisions that resulted in significant adverse environmental and economic consequences. The decision of whether to allow a distressed vessel into a place of refuge, including cases of force majeure<sup>1</sup>, should be reached after consideration of the full range of potential impacts, rather than being based on a policy of wholesale denial of entry.

The purpose of these guidelines is to provide: (1) an incident-specific decision-making process to assist U.S. Coast Guard Captains of the Port (COTPs) 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.

This document emphasizes the inclusion of USCG COTPs, Unified Commands, RRTs, Area Committees, natural resource trustees, and other stakeholders and technical experts in the identification of potential places of refuge during pre-incident planning. It also emphasizes consultation with appropriate stakeholders and other technical experts from multiple disciplines to assist the COTP in the decision-making process during an incident, including when an evaluation of potential places of refuge may be only one of several response activities taking place.

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<sup>1</sup> Force majeure is defined as an overwhelming force or condition of such severity that it threatens the loss of the vessel, cargo, or crew unless immediate corrective action is taken.

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## **Introduction**

### **1. Purpose and Scope**

The purpose of the *Guidelines for Places of Refuge Decision-Making (Guidelines<sup>2</sup>)* is to provide:

- (1) An incident-specific decision-making process (Appendix 1) to assist U.S. Coast Guard (USCG) Captains of the Port (COTPs) 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 developing pre-incident identification of potential places of refuge for inclusion in appropriate Area Contingency Plans (ACPs)

These *Guidelines* address places of refuge decision-making in waters subject to U.S. jurisdiction. They are consistent with the December 2003 International Maritime Organization “Guidelines on Places of Refuge for Ships in Need of Assistance” and USCG Commandant Instruction 16451.9, “U.S. Coast Guard Places of Refuge Policy.”

These *Guidelines* provide COTPs with a process that will help (1) expedite place of refuge decision-making, and (2) ensure stakeholders and other technical experts are consulted as appropriate. This in turn, helps ensure that COTPs have appropriate input, and the best available information, prior to making a place of refuge decision.

### **2. Overview**

A “place of refuge” is defined as a location where a vessel needing assistance can be temporarily moved to, and where actions can then be taken to stabilize the vessel to: (1) protect human life, sensitive natural and cultural resources, historic properties, national defense, security, economic interests, and critical infrastructure; and (2) reduce or eliminate a hazard to navigation. A place of refuge may include constructed harbors, ports, natural embayments, or offshore waters with the necessary maritime support infrastructure.

Imperiled, structurally damaged, or leaking vessels (including vessels that have sunk and been refloated) may need to be brought into a harbor or anchored or moored in protected waters to make repairs to prevent or stop the loss of oil or other hazardous substances. Likewise, vessels that have lost power or steering may need to be brought into a place of refuge for repairs to prevent a shipwreck that could result in the loss of fuel, hazardous substances, or other cargo. Taking these actions would help prevent or minimize potential adverse effects to the public, the

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<sup>2</sup> “Guidelines” mean the decision-making guidelines and matters set forth in this document. Notwithstanding any such words as “may,” “should,” “will,” or “would,” 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 vessel to seek a place of refuge, as well as considered during the execution and implementation of any such decisions.

environment, resource users, and national defense, security, economic interests, and critical infrastructure. These incidents may (or may not) involve force majeure; i.e., an overwhelming force or condition of such severity that it threatens the loss of the vessel, cargo, or crew unless immediate corrective action is taken.

There are no places of refuge that are suitable for all vessels and all situations; therefore the National Response Team (NRT) does not support the pre-approval of places of refuge in waters subject to U.S. jurisdiction. Decisions relating to places of refuge need to be made on an incident-specific basis because they encompass a wide range of issues that vary according to each situation, such as:

- Each incident is unique (e.g., vessel size, fuel carried, and reason assistance is needed).
- Information relevant to a specific location may be incomplete or out-of-date.
- Weather and sea conditions are variable.
- Fish and wildlife resources are mobile and may or may not be in an area as anticipated.
- The locations of other activities (e.g., commercial fishing and recreational boating) vary over time.
- Resources (e.g., salvage vessels) available to respond to the incident vary over time.

The NRT does support pre-incident identification of potential places of refuge (PPORs) (see Appendix 3), which would then receive incident-specific evaluations if the location(s) is being considered as a PPOR for an actual incident. It is important to note that identifying PPORs during pre-incident planning does not require that those locations be used as a place of refuge. Likewise, it does not eliminate the need to review and refine (as appropriate) during the incident, information specific to the PPORs.

The best location for a place of refuge at any given point in time is dependent on incident-specific characteristics and real-time input by appropriate stakeholders (see Appendix 2) and other technical experts. When considering places of refuge decisions, COTPs typically need to consider multiple interests, which will include one or more of the following: (1) protecting human life, sensitive natural and cultural resources, historic properties, national defense, security, economic interests, and critical infrastructure; and (2) reducing or eliminating a hazard to navigation.

If time allows and if appropriate, the COTP will activate a Unified Command under the Incident Command System for the decision-making process. When an incident has the potential to involve more than one COTP zone, the cognizant USCG District Commander may assist in the decision-making process. The decisions to direct or permit a vessel to seek a place of refuge, as well as the decisions and actions implementing those decisions, will be based on best available information and sound professional judgment.

When a vessel is in need of assistance, each of the following vessel options should be considered, as appropriate:

- The vessel remaining in the same position.
- The vessel continuing on its voyage.

- The vessel moving farther from shore.
- The vessel being intentionally scuttled in deep water.
- The vessel being intentionally grounded.
- The vessel moving to a place of refuge.

The incident-specific place of refuge decision-making process, outlined in Appendix 1, recognizes that while the timeframe for COTPs to make decisions regarding places of refuge varies, it may be divided into the following three categories:

- (1) The vessel's situation requires immediate action, leaving no time for "pre-decision" notification of, or consultation with, appropriate stakeholders and/or other technical experts.
- (2) The vessel's situation requires rapid action, leaving time for notification of, and consultation with, some, but not all, appropriate stakeholders and/or other technical experts.
- (3) The vessel's situation allows time for notification of, and consultation with, all appropriate stakeholders and/or other technical experts.

COTP response activities will occur within an Incident Command System. For incidents that include response activities (e.g., responding to an oil discharge from the vessel) in addition to places of refuge decision-making, the COTP should consider forming a "places of refuge" unit within the Planning Section, headed by the Deputy Planning Chief, to conduct the place of refuge evaluation. This unit would include appropriate stakeholders and other technical experts from the Operations and Planning Sections and the Command Staff. In addition, the unit would consult with other appropriate stakeholders and technical experts who are not represented in the Operations Section, Planning Section, and/or the Unified Command.

### **3. Selected Authorities and Responsibilities**

The following is a description of selected authorities and responsibilities for Federal agencies, U.S. States, and U.S. possessions, territories, and commonwealths that may be involved in places of refuge decision-making as described in these *Guidelines*:

- The U. S. Coast Guard COTP (who is also the designated Federal On-Scene Coordinator) has authority to order vessels into and out of ports, harbors and embayments in order to protect the public, the environment, and maritime commerce.<sup>3</sup> While the COTP retains ultimate authority for places of refuge decision-making, the COTP is responsible, as outlined in the *Guidelines*, for consulting with appropriate natural resource trustees, Federally-recognized tribes, State On-Scene Coordinators, and other stakeholders and

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<sup>3</sup> It should be noted that there may be some maritime homeland security situations where the COTP has Sensitive Security Information and/or classified information that may affect places of refuge decision-making. In those situations, the COTP will use appropriate protocols (e.g., the Maritime Operational Threat Response protocols) to relay information (as appropriate) to appropriate stakeholders and/or other technical experts .

technical experts, and activating (as appropriate) a Unified Command.

- The U.S. Department of the Interior, the U.S. Department of Commerce, and U.S. Department of Agriculture each have authority to represent and protect their respective interests for incidents that may threaten or affect lands (including submerged lands), shorelines, waters, or other resources within their respective jurisdiction; e.g., units of the national park system, national wildlife refuges, national forests, national marine sanctuaries, migratory birds, marine mammals, threatened and endangered species and their critical habitats, essential fish habitat, cultural resources, and historic properties. Representatives of these agencies are responsible, as outlined in the *Guidelines*, for providing timely input to the COTP/Unified Command on interests under their respective authorities and jurisdiction.
- U.S. States and U.S. possessions, territories, and commonwealths have authority to represent and protect their respective interests for incidents that may threaten or impact their respective land, waters, and other resources within their jurisdiction; e.g., State-owned submerged lands and State-owned shorelines. U.S. States and U.S. possessions, territories, and commonwealths each provide a designated State On-Scene Coordinator to represent their respective interests, who in turn, is responsible, as outlined in the *Guidelines*, for providing timely input to the COTP/Unified Command on interests under their respective authorities and jurisdiction.

It should be noted that there are other agencies (e.g., the U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, and U.S. Customs and Border Protection; U.S. Department of Health and Human Services, Centers for Disease Control and Protection; and U.S. Department of Justice, Federal Bureau of Investigation) that may also provide input to, or otherwise be involved in, places of refuge decision-making, based on their respective authorities and jurisdiction.

## **Appendix 1**

### **Incident-Specific Places of Refuge Decision-Making Process**

#### **Step 1. Place of Refuge Requested.**

**The U.S. Coast Guard Captain of the Port (COTP)<sup>4</sup> receives a request from a vessel master or his/her representative<sup>5</sup> to move a vessel to a place of refuge. The COTP will request the following information from that individual:**

- List of crew members, including:
  - names
  - date of birth
  - nationality
  - vessel particulars (e.g., length and gross tonnage)
- The location(s) of the place of refuge (if a specific location is requested).
- The reasons the vessel needs assistance and the specific assistance required.
- Alternatives (if any) in addition to moving the vessel to a place of refuge.
- A summary of medical and/or life safety issues associated with the incident, including the need to evacuate individuals from the vessel.
- Time when the problems began.
- Status of the vessel and its systems, including:
  - steering
  - propulsion
  - bilge pumps
  - lifesaving (e.g., lifeboats)
  - firefighting capability
  - service generator and emergency generator
  - watertight integrity
  - number of people onboard
- Status of the vessel's pumping system (if the vessel is flooding).
- Types, quantities, hazards, and condition of petroleum products, hazardous substances, and/or other cargo onboard (including animal, plant, or food cargo).
- Length of time the crew has been awake.
- Presence (or suspected presence) of rats or other invasive species and/or animal, plant, or human diseases onboard the vessel.
- On-scene weather and water conditions and marine forecast.

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<sup>4</sup> When an incident has the potential to involve more than one COTP zone, the cognizant USCG District Commander may assist in the decision-making process.

<sup>5</sup> In the event there are no individuals on board the vessel authorized to make the request, or the vessel has been abandoned, the COTP will be responsible (to the extent possible) for obtaining appropriate information identified in Step 1.

- Status of notifications completed by master (e.g., owners, operators, agents, Qualified Individual, and class society).
- Measures already taken by the crew, including:
  - repairs
  - ballasting
  - cargo shifts
- Status of actions taken.
- Nation of Origin.
- Vessel's last port of call.
- Current position.
- Vessel owner's name, address, and contact information.
- Financial Responsibility Certificate.
- Oil Spill Response Organization (person in charge name and contact information).

**Step 2. Immediate Action Required by COTP<sup>6</sup>.**

**If the vessel's situation requires immediate action, leaving no time for consultation with appropriate stakeholders or other technical experts, the COTP will:**

- Evaluate the options of the vessel remaining in the same position, continuing on its voyage, moving farther from shore, being intentionally scuttled in deep water, being intentionally grounded, or moving to a place of refuge.
- Determine, if moving to a place of refuge is an option, whether potential places of refuge have been identified in the area where the vessel may be moved to, and if so, whether any potential places of refuge locations are appropriate for this incident.
- Permit or direct the vessel to stay in place, continue on its voyage, move farther from shore, intentionally ground, move to a place of refuge, or prepare for scuttling in deep water.
- Inform appropriate stakeholders and other technical experts (see Appendix 2) of the decision.
- Activate, if necessary, a Unified Command to address any remaining issues.

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<sup>6</sup> It is important to note that Step 2 should only be used when an incident truly requires immediate action, since selection of a place of refuge without incident-specific consultation with appropriate natural resource trustees, Federally-recognized tribes, State On-Scene Coordinators, and other stakeholders and technical experts may result in a decision based on incorrect and/or incomplete information.

**Step 3. COTP/Unified Command<sup>7</sup> requests input from stakeholders and other technical experts on vessel options.**

**If the vessel's situation does not require immediate action, the COTP will:**

- Activate a Unified Command, if appropriate.
- Require, if appropriate, the vessel master or owner/operator to contract with a salvor and/or pollution response contractor.
- Consider dispatching, if safety considerations and time allow, an appropriate inspection team to board the vessel to evaluate the vessel's condition.
- Determine whether potential places of refuge have been identified in the area where the vessel may be taken, and if so, whether any are appropriate to consider for this incident.
- Contact the National Oceanic and Atmospheric Administration (NOAA) Scientific Support Coordinator (SSC) to request that the NOAA SSC identify the following information, as appropriate, for the options of the vessel remaining in the same position, continuing on its voyage, moving farther from shore, being intentionally scuttled in deep water, being intentionally grounded, or moving to a place of refuge:
  - Weather and sea states, including prevailing winds.
  - Tides and currents.
  - Largest scale navigational charts of the area.
  - Seasonal considerations, such as ice.
  - Potential temporary grounding locations (if intentional temporary grounding is an option).
  - Trajectories for products already released or potentially discharged from the vessel.
  - Oil or chemical fate analysis.
- Contact (depending on the incident) appropriate Federal, State, and/or local safety and public health entity representatives to request that they:
  - Identify any public health and/or safety issues, or potential issues, related to individuals still onboard, individuals responding to the incident, and to the general public for the options of the vessel remaining in the same position, continuing on its voyage, moving farther from shore, being intentionally scuttled in deep water, being intentionally grounded, or moving to a place of refuge.

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<sup>7</sup> While information in Steps 3 through Step 10 refers to the COTP/Unified Command, if the COTP determines that activation of a Unified Command is not appropriate or necessary, the reference to "Unified Command" in Step 3 through Step 10 will not be applicable.

- Contact natural resource trustee representatives to request that they:
  - Identify any impacts, or potential impacts, to natural and cultural resources and historic properties at risk for the options of the vessel remaining in the same position, continuing on its voyage, moving farther from shore, being intentionally scuttled in deep water, being intentionally grounded, or moving to a place of refuge.
- Contact (depending on the incident) representatives of Federally-recognized tribes to request that they:
  - Identify any impacts, or potential impacts, to interests of Federally-recognized tribes related to the vessel remaining in the same position, continuing on its voyage, moving farther from shore, being intentionally scuttled in deep water, being intentionally grounded, or moving to a place of refuge.
- Contact (depending on the incident) Federal, State, and/or local critical infrastructure and/or security entities to request that they :
  - Identify any security issues, or potential issues, related to individuals still onboard, individuals responding to the incident, and to the general public, and/or any critical infrastructure considerations for the options of the vessel remaining in the same position, continuing on its voyage, moving farther from shore, being intentionally scuttled in deep water, being intentionally grounded, or moving to a place of refuge.
- Contact (depending on the incident) Federal, State, and/or local agricultural and animal entity representatives to request that they:
  - Identify any issues, or potential issues, related to animal or plant disease and/or invasive species and disposal or salvage of animal, plant, and/or food cargo for the options of the vessel remaining in the same position, continuing on its voyage, moving farther from shore, being intentionally scuttled in deep water, being intentionally grounded, or moving to a place of refuge.
- Contact (depending on the incident) Federal, State, and/or local economic entity representatives to request that they:
  - Identify any Federal, State, and/or local economic impacts, or potential impacts, for the options of the vessel remaining in the same position, continuing on its voyage, moving farther from shore, being intentionally scuttled in deep water, being intentionally grounded, or moving to a place of refuge.
- Contact other appropriate stakeholders (see Appendix 2), as time allows, to request that they:
  - Identify other stakeholder impacts/concerns, or potential impacts/concerns, for the options of the vessel remaining in the same position, continuing on its voyage, moving farther from shore, being intentionally scuttled in deep water, being intentionally grounded, or moving to a place of refuge.

- ❑ Contact the vessel master, vessel owner, and salvage experts to request that they provide, as appropriate, information on:
  - Vessel status/seaworthiness, in particular buoyancy, stability, availability of propulsion and power generation, docking ability, and any progressive deterioration.
  - Any impending threat to the vessel or its product.
  - Availability of rescue tugs/tow vessels of sufficient size and power to aid the vessel in distress.
- ❑ Contact appropriate oil spill response organizations to request that they provide information on:
  - Ability and/or feasibility to respond to discharges/releases from the vessel.

**Step 4. COTP/Unified Command selects vessel option based on input from stakeholders and other technical experts.**

**Based on the input received in Step 3, the COTP/Unified Command will evaluate the considerations listed below and will then determine whether the vessel should remain in the same position, continue on its voyage, move farther from shore, be intentionally scuttled in deep water, be intentionally grounded, or move (or be taken to) a place of refuge:**

Vessel Status and Risk Considerations

- The kind and size of the vessel.
- The status/seaworthiness of the vessel, in particular buoyancy, stability, watertight integrity, availability of propulsion and power generation, docking ability, and any progressive deterioration.
- Types, quantities, hazards, and condition of petroleum products, hazardous substances, and/or other cargo onboard.
- The presence (or suspected presence) of rats or other invasive species onboard the vessel.
- Any impending threat to the vessel or its product.
- Weather conditions and forecasts.
- Master's ability to navigate the vessel or need for a pilot.
- Vessel traffic in the area.
- Ability of vessel to move from its current location, and estimated distance it could transit without further incident.
- Other vessel status or risk considerations, if any.

Response and Salvage Resources Considerations

- Availability of rescue tugs/tow vessels of sufficient size and power to aid the vessel in distress, including towing.
- Salvage and spill response resources on-scene with the vessel and available during transit.
- Vessel traffic in the area.
- Access to pier or dock with repair and/or cargo handling facilities.

- Access to vessel by emergency service equipment (e.g., ambulances, fire fighting equipment, and radiological gear).
- Other response or salvage resources considerations, if any.

#### Public Health and Safety Considerations

- Safety, or potential safety issues for individuals (if any) still onboard.
- Safety, or potential safety issues for individuals performing salvage/response activities.
- Impacts, or potential impacts, on public health and safety (e.g., from human diseases and/or cargo onboard).
- Closure, or potential closure, of water intakes (e.g., for drinking water supplies and/or power plants).
- Other considerations, if any, identified by Federal, State, and/or local safety and public health entity representatives.

#### Natural and Cultural Resources and Historic Properties Considerations

- Impacts, or potential impacts, on sensitive resources (e.g., migratory birds, marine mammals, fish, shellfish, threatened or endangered species, cultural resources, and/or historic properties).
- Impacts, or potential impacts, on sensitive areas (e.g., designated essential or critical habitats, sea grass beds, mangrove swamps, marshes, marine sanctuaries, parks, refuges, and/or forests).
- Other considerations, if any, identified by natural resource trustee representatives.

#### National Defense, Security, and Economic and Critical Infrastructure Considerations

- Impacts, or potential impacts, to national security interests and defense readiness.
- Economic, or potential economic, impacts resulting from:
  - Port closures (e.g., loss of perishable goods and/or delays in transportation of goods and people)
  - Disruption of recreational activities (e.g., beach closures), commercial fisheries, mariculture, and other activities
  - Other considerations, if any, identified by Federal, State, and/or local economic entity representatives

#### Other Considerations

- Liability, insurance, and compensation issues and limits.
- Requirements of port or harbor authorities for financial responsibility and bonding.
- Media and public interest.
- Contamination of private property.
- Other considerations (not already identified).

**If the COTP/Unified Command selects the option of moving the vessel to a place of refuge, the remaining steps in this appendix should be completed. If the COTP/Unified Command selects another vessel option (i.e., remaining in the same position, continuing on its voyage, moving farther from shore, being intentionally scuttled in deep water, or being intentionally grounded), no additional steps in this appendix need to be taken.**

**Step 5. COTP/Unified Command requests input from technical experts on operational considerations for potential places of refuge locations.**

**To help identify one or more potential places of refuge locations based on operational considerations, the COTP/Unified Command will:**

- Request from the NOAA SSC, the following information, as appropriate for all potential places of refuge locations being considered:
  - Weather and sea state including prevailing winds.
  - Tides and currents.
  - Seasonal considerations, such as ice.
  - Trajectories for products already released and/or potentially discharged from the vessel.
  - Oil or chemical fate analysis.
  
- Request from appropriate Pilots Association or other mariners, the following applicable port or anchorage criteria:
  - The type and size of the vessel and required “swing room” relative to the size of the place of refuge site.
  - Adequate water depth at mean lower low water (MLLW) to accommodate the vessel.
  - Navigational approach, including vessel traffic and associated risks.
  - Pilotage requirements.
  - Anchoring depth and ground, or suitable docking facilities.
  - Availability of repair facilities.
  - Availability of cargo reception and storage facilities.
  - Land and/or air access.
  - Availability of required emergency response capabilities (e.g., firefighting, pollution prevention, law enforcement, and/or State or Federal food inspectors).
  - Other pertinent port or anchorage information, if any.
  
- Request from appropriate salvage experts (e.g., USCG and vessel salvage representatives), the following information, as appropriate, for all potential places of refuge locations being considered:
  - Any new information on the status/seaworthiness of the vessel, in particular buoyancy, stability, watertight integrity, availability of propulsion and power generation, docking ability, and progressive deterioration.
  - Any new information on the impending threat to the vessel or its product.
  - Availability of rescue tugs/tow vessels of sufficient size and power to aid the vessel in distress, including towing.

- Available salvage and spill response resources.
  - Availability of appropriate and compatible lightering equipment and receiving vessels.
  - Availability of product storage (e.g., tanker barge, other vessels).
  - 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.
  - Other pertinent salvage-related information, if any.
- ☐ Request (if applicable) from appropriate oil spill response organizations, the following information for all potential places of refuge locations being considered:
- Ability and/or feasibility to respond to discharges/releases from the vessel.
  - Other pertinent oil spill response information, if any.
- ☐ Request (if applicable) from appropriate port or harbor authorities and/or land owners and land managers, the following information for all potential places of refuge locations being considered:
- Permits or other requirements, or other pertinent information, if any.

**Step 6. COTP/Unified Command selects potential place(s) of refuge location(s) based on operational considerations.**

**Based on input received from technical experts in Step 5, the COTP/Unified Command will select one or more potential places of refuge locations based on the following operational considerations:**

Port or Anchorage Area Criteria

- The type and size of the vessel compared to the size of the place of refuge site.
- Adequate water depth at MLLW to accommodate the vessel.
- Navigational approach, including vessel traffic and associated risks.
- Pilotage requirements.
- Tides and currents.
- Seasonal conditions, such as ice.
- Anchoring depth and bottom characteristics, or suitable docking facilities.
- Availability of repair facilities.
- Availability of cargo reception and storage facilities.
- Land and/or air access.
- Weather and sea state including prevailing winds.
- Requirements from port authorities and/or area landowners/managers.
- Ability to adequately secure the area from subsequent threats and/or contain shipboard threats.
- Availability of necessary emergency response capabilities (e.g., fire fighting, pollution response, law enforcement, rat prevention, and/or State or Federal food inspections).

- Other pertinent port or anchorage information, if any.

#### Response, Salvage, and Repair Resources

- Available salvage and spill response resources.
- Salvage and response vessel access.
- Availability of appropriate and compatible lightering equipment and receiving vessels.
- Availability of product storage (e.g., tanker barge or other vessels).
- Availability of skilled labor and trained personnel.
- Access to repair equipment and facilities.
- Availability of cargo reception and storage facilities.
- Other pertinent response, salvage, or repair resource information, if any.

#### Other Command Management Factors

- Liability, insurance, and compensation issues and limits.
- Requirements of port or harbor authorities for financial responsibility and bonding.
- Required notifications such as marine pilots, if applicable.
- Public expectations and media outreach.
- Other pertinent command management factors, if any.

### **Step 7. COTP/Unified Command provides stakeholders with potential place(s) of refuge location(s) based on operational considerations.**

**The COTP/Unified Command will provide the following information to natural resource trustee and other appropriate stakeholder representatives:**

- The list of potential place(s) of refuge.
- Principal reasons for selecting each location (e.g., the vessel cannot travel far without sinking; or location of repair facilities).
- How the vessel will transit to the area (e.g., on its own power or assisted by a tug) and transit route.
- Amount, location, and type of petroleum products and/or other hazardous substances remaining on the vessel; the likelihood of discharge/release; and the anticipated trajectory for any products released at any point along the vessel's intended transit route.
- The presence (or suspected presence) of animals, plants, food products, invasive species, and/or animal or plant diseases onboard.
- What incident-related activities will occur in the place of refuge (e.g., lightering and underwater welding).
- What support vessels/aircraft will be required (e.g., salvage vessel).
- The estimated duration the vessel will be in that location.
- Transit route of the vessel upon leaving the location.
- Anticipated weather and sea states (including prevailing winds), tides and currents, and seasonal considerations relevant to places of refuge locations.
- Other pertinent information, if any.

**Step 8. Stakeholders provide ranking of potential place(s) of refuge location(s) to COTP/Unified Command.**

**Based on information provided to them in Step 7, natural resource trustees and other appropriate stakeholder representatives will:**

- Review the information provided to them in Step 7.
- Rank the potential places of refuge locations, providing a consensus ranking where possible.
- Identify any special considerations or constraints and/or any permits or other authorizations required for any potential places of refuge locations.
- Provide the COTP/Unified Command with the ranking of potential places of refuge locations and any identified special considerations or constraints and/or any permits or other authorizations required.
- Provide, as appropriate, the COTP/Unified Command with documentation of considerations taken into account when arriving at a consensus position.

Note: In the event the COTP/Unified Command provides stakeholders in Step 7 with only one potential place of refuge location based on operational considerations, stakeholders will provide consensus input to the COTP/Unified Command regarding the location; any identified special considerations or constraints and/or any permits or other authorizations required; and documentation of considerations taken into account when arriving at the consensus position.

**Step 9. COTP/Unified Command selects place of refuge based on input from stakeholders and other technical experts.**

**Based on input received from stakeholders and other technical experts, the COTP/Unified Command will:**

- Direct or allow the vessel to move to a place of refuge, in accordance with any identified special considerations or constraints and any permits or other authorizations.
- Inform stakeholders and other technical experts of the decision and of any additional response-related assistance required.
- Continue overseeing or directing, as appropriate, response activities until the case is closed.

Note: In the event that potential place(s) of refuge location(s) identified in Step 7 and evaluated by stakeholders in Step 8 are not workable and/or circumstances have changed and moving the vessel to a particular place of refuge location is no longer an option, the COTP/Unified

Command will re-analyze vessel options using the appropriate steps in these guidelines.

**Step 10. The COTP/Unified Command prepares documentation of the places of refuge decision-making process.**

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## **Appendix 2**

### **Potential Stakeholders**

- Federal and State natural resource trustees, when the vessel is within, or may enter, U.S. waters.
- Federally-recognized tribes, if the interests of Federally-recognized tribes have been, or may be affected.
- U.S. possessions, territories, and commonwealths, if the vessel will, or could be, directed to waters of a U.S. possession, territory, and commonwealth.
- Foreign governments (e.g., Canadian Federal and Provincial, Mexican Federal and State, and Russian Federal), if the vessel is, or could be, in a trans-boundary area.
- State On-Scene Coordinators, when the vessel is within, or may enter, State waters.
- Federal, State, and local safety and public health entities, if there is, or may be, a risk to public safety and/or health.
- Federal, State, and local critical infrastructure entities, if there is, or may be, a risk to critical infrastructure.
- Federal, State, and local security entities, if there is, or may be, a security risk.
- Federal, State, and/or local economic entities, if there are, or may be, economic impacts.
- Federal, State, and local agricultural entities, if there are, or may be, invasive species, animal or plant disease onboard and/or if there is animal, plant, or food cargo onboard.
- Local governments, if there is, or may be, a risk to their jurisdiction.
- Port authorities, if the vessel will, or may be, taken to their port.
- Private landowners and business owners, if their property will, or may be, affected.

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## **Appendix 3**

### **Process for Pre-Incident Identification of Potential Places of Refuge**

#### **Purpose**

As stated above in Section 2, there are no places of refuge that are suitable for all vessels and all situations; therefore the National Response Team (NRT) does not support the pre-approval of places of refuge in waters subject to U.S. jurisdiction. At the same time, the NRT supports the identification of potential places of refuge (PPOR), which would receive incident-specific evaluations if the location(s) is being considered as a PPOR for an actual incident. It is important to note that identifying PPORs during pre-incident planning does not require that those locations be used as a place of refuge. Likewise, it does not eliminate the need to review and refine (as appropriate) during the incident, information specific to the PPORs.

This appendix provides the framework for identifying PPORs, which would then be included in the appropriate Area Contingency Plan. Following this framework will ensure that both the process for identifying PPORs and the resulting PPOR documents are consistent with the NRT *Guidelines for Places of Refuge Decision-Making (Guidelines)*.

#### **PPOR Document Development**

Steps recommended for identifying PPORs include the following:

- Establish an Area/Sub-area Contingency Plan PPOR Work Group of interested and knowledgeable stakeholders and other technical experts for the geographic area to be addressed.
- Identify the casualty risks, including the types of vessel (e.g., oil tankers, LNG tankers, tank barges, and/or cruise ships) and the anticipated transit routes of those vessels.
- Identify physical and operational characteristics of the vessels and PPOR locations to be included.
- Identify candidate PPOR locations.
- Identify, for PPOR locations, public health and safety, natural and cultural resources and historic properties, response and salvage resources, and other stakeholder considerations.
- Identify land owners and land managers for PPOR locations.
- Prepare PPOR chart/table sheets for each PPOR location (see next section below).
- Include the resulting documents in the Area/Sub-Area Contingency Plan following public review and any revisions based on that review.

**PPOR Document Contents:**

Recommended contents of PPOR documents include:

- Purpose and Scope – A narrative introducing PPORs and describing how the regional PPOR document is used in conjunction with, and tiers off, the NRT Guidelines.
- How Document Was Developed – A narrative outlining the process used to identify PPOR locations and who participated in the process.
- How to Use the PPOR – A narrative briefly describing how regional PPOR information is used in conjunction with, and tiers off, the NRT Guidelines.
- Site Assessment Matrix – A summary of PPOR locations in one matrix, which includes information such as: location name, type of berthing, latitude/longitude, available swing room, dock face, water depth, bottom type, wind exposure, conflicting uses, ability to boom, geographic response strategies/plans, sensitive resources, distance to population centers, and distance to alternative PPORs.
- Index of PPOR Map – A map showing all PPOR locations.
- PPOR Chart/Table Sheets – One-page (two-sided) sheeting containing, for each PPOR location:
  - Side one: One or more color navigation charts of the PPOR location showing information, such as: approaches, anchorages, moorings, docks/piers, existing geographic response strategies/plans, and other relevant infrastructure; a color aerial photograph of the location; and a chart legend.
  - Side two: Tables containing information for each PPOR location describing physical and operational characteristics (e.g., maximum vessel size, navigational approach, minimum and maximum water depths, maximum vessel draft, types of berthing, swing room/dock face, bottom type, moorings, anchorages [including those for firefighting], docks, piers, prevailing winds, currents, tides, sea conditions, shelter from severe storms, fog, and ice); and other locational considerations (e.g., public health and safety [such as distances to communities], natural and cultural resources and historic properties considerations [such as threatened or endangered species and sensitive habitat areas and whether (or not) rats or other invasive species are present at the port], response and salvage considerations [such as ability to boom vessel and closest alternative PPOR]); other stakeholder considerations (such as fisheries, tourism/recreation, and waterfront public facilities); and land owners/land managers for the location.